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CHILD VICTIMS OF EXPLOITATION

ORIGINAL

HEARING

BEFORE THE

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC,
OCTOBER 31, 1985

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CHILD VICTIMS OF EXPLOITATION

THURSDAY, OCTOBER 31, 1985

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CHILDREN,
YOUTH, AND FAMILIES,
CRISIS INTERVENTION TASK FORCE,
Washington, DC.

The committee met, pursuant to notice, at 9:44 a.m., in room 2118, Rayburn House Office Building, Hon. Lindy Boggs presiding.

Members present: Representatives Boggs, Schroeder, Levin, Rowland, Coats, Bliley, Wolf, Johnson, McKernan, Monson, Smith, and McCain.

Staff present: Ann Rosewater, deputy staff director; Marcia Mabee, professional staff; Mark Souder, minority staff director; Anne Wynne, professional staff; Syndy Chatfield, minority staff assistant; and Joan Godley, committee clerk.

Mrs. BOGGS. Good morning. The meeting will come to order. We are very, very pleased to have all of you here with us today to discuss an important subject, especially important to the members of the Children, Youth, and Families Committee and to the task force on crisis intervention. And, we are especially honored to have the witnesses who have come from far and wide to be with us today and to take the time and the interest and to help us resolve some of the problems that we are going to be discussing.

Today's hearing reflects a concern of Members on both sides of the aisle about the sexual and criminal victimization of children and teenagers. Every Member of Congress cares about these issues. In recent years, both the House and Senate have held hearings regarding the exploitation of children and several laws now exist which address various aspects of the problem. A sexual abuse program has been established within the Child Abuse Prevention and Services Act, Public Law 98-457 and Public Law 98-292.

The Child Abuse Protection Act of 1984 has been passed which strengthens our ability to prosecute child exploitation crimes as well as other measures. Today's hearing examines yet another facet of the exploitation of children broadening it to include other criminal activities children are induced by adults to commit including pornography and prostitution. We will try, as always, to learn more about the children themselves, the kinds of families and communities they come from, and the experiences that they have had that make them particularly vulnerable to the pedophile, the pimp, and the drug pusher.

The committee has already had some direct experience in this regard. In 1983, our members visited Covenant House in New York

City which is directed by Father Bruce Ritter. Covenant House located in the heart of Times Square provides a range of services to runaway and homeless youth, many of whom are prostitutes on 42d Street, and they do this in order to survive, and many of whom have suffered from violence.

Our hope and expectation is that the information we will gain today will help us not only to devise better intervention efforts but to think broadly and clearly about effective prevention approaches. And, we are very, very fortunate today to lead off our hearing with the expert testimony of Congressman John McCain, our colleague from the First District of Arizona who has legislation introduced and is here to tell us about it. Welcome, John, thank you very much for your interest.

STATEMENT OF HON. JOHN McCAIN III, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. McCAIN. Thank you very much, Madam Chairman. I would like to express my appreciation to you as chairman and the other members of this committee for holding hearings on this subject. Madam Chairman, I believe that we are talking about an issue that tears at the very fabric of American society. Child pornography is an issue which is too little noticed and in my opinion can lead to a breakdown of the standards and values of American family life and society as we know it.

I would also like to express my appreciation to Mrs. Schroeder, Mr. Coats, and Mr. Smith for their efforts on this behalf. Regarding child pornography, according to the statistics provided by Citizens for Decency Through Law, some 1 million children between the ages of 1 and 16 have been sexually exploited and then filmed for the abusers' pleasure and profit. Some 260 child pornography magazines are sold in this country today. Between 1979 and 1982, the U.S. Custom Service officials seized more than 247,000 pieces of pornography of which 70 percent contained child pornography. On top of that numerous scientific studies demonstrate the relationship between pornography, crime, and acts of violence.

Please make no mistake about it, child pornography is big business in America today. Pornography is an $8 billion a year business. It is now capitalizing off the use of video cassette recorders. Those that produce and distribute child pornography material have moved our organizations underground and have formed interstate lengths to effectively pervade this lewd market. During 1978 and 1979, the FBI conducted investigations of two San Francisco based firms which were identified as leading producers and distributors of child pornography.

They seized a mailing list of one of those companies that contained over 5,000 names and addresses from about 30 countries. A study done at Odyssey House, a large New York treatment center, found that many children age 3 through 17 were recruited as models for pornography by organized narcotics rings through their addicted parents. The money they earned by the children was then used to feed the narcotics habits of the parents.

I have taken one step and a lot of steps need to be taken. I think they need to be taken soon. This H.R. 2539, of which there are now

92 cosponsors, would add sexual exploitation as a predicate offense under RICO, the Racketeering, Influence and Corrupt Organizations Provisions. If the production and distribution of child pornography were included along with child prostitution among the offenses defined as racketeering activity, the consequences would substantially affect both the criminal and civil liability of child pornography traffickers. Those who are engaged in a pattern of child pornography distribution as part of a business or other enterprise would be subject to criminal penalties of up to 20 years imprisonment, forfeiture of any property acquired as part of that enterprise and a fine of up to $25,000.

The seizure of the business assets of child pornographers is essential in order to effectively destroy the operation. This legislation goes one step beyond the change made in the Child Protection Act of 1984 and permits an expanded case of forfeiture. For example, businesses supporting the child pornography business could be seized as well. By amending the RICO provisions, the victim is afforded further protections and compensation.

Currently, child pornography victims have no effective resource against their abusers either to obtain damages or to prevent circulation of the material in which they appear. Under the change provided by this legislation, the victim of a pattern of child exploitation would have the right to sue their abusers for trouble damages plus a reasonable attorney's fee. Additionally, district courts would be allowed to issue injunctions against those who have engaged in a pattern of prohibited conduct.

In other words, the courts could prevent nationwide distribution of a child's pornographic pictures. Advertising in connection with child pornography is rampant. A recent study showed that of 57 advertisements for child related materials advertised in June 1983 issues of the 11 best selling American pornography magazines, 56 listed mailing addresses in the United States.

In his testimony before the Senate Subcommittee on Investigations in November 1984, Toby Tyler of San Bernardino Sheriff's Department gave examples of classified advertisements in child pornography magazines and underground publications. I have listed some of those for you. One example is "Family man seeks others with similar interests," in Swing magazine, and many others. As a society, we currently permit these advertisements allowing for groups to organize. Let's terminate this practice.

The third section of my legislation amends the United States Code to prohibit advertising in connection with child pornography. This includes advertisements on where to purchase pornographic material as well as those that solicit or offer participation in sexually explicit conduct with a minor.

Finally, the last section of the bill makes it illegal to transport minors across State lines for the purpose of sexual exploitation. Currently, a commercial purpose is required for a conviction under this statute. This section eliminates the commercial purpose. The very act itself would be punishable. Those who are convicted of this crime may be in prison up to 15 years or fined up to $250,000.

Madam Chairman, there are many loopholes found in our child exploitation laws. This legislation addresses only a few of them. I want to again commend the committee for examining the real

problem of child exploitation this morning and I hope that we can find the proper solutions to amend our laws to more effectively protect our children.

I will be happy to work with every member of this committee to see that goal through. Thank you very much.

Mrs. BOGGS. Thank you very much. And, if you have time to stay with us a little while, I would like to go now to some opening statements by my colleagues which I was apprehensive about doing earlier because I thought you were on a very tight time schedule. But if you have time——

Mr. MCCAIN. Thank you, Madam Chairman.

[Prepared statement of Congressman John McCain follows:]

PREPARED STATEMENT OF HON. JOHN MCCAIN III, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

In 1984, 13 year-old Kristy Ann Fornoff was kidnapped while delivering newspapers in Tempe, Arizona at 4 o'clock in the afternoon. Four days later, her body was found lying in an apartment complex dumpster. This incident resulted in hysteria and outcry from the citizens of Tempe—who could not believe that such an individual was on the loose. Many constituents called my Congressional offices requesting that something be done to take these "child kidnappers" off our streets.

Compelled and emotionally moved by this particular case, I began looking into statistics on child kidnapping and protections under present law. The statistics were alarming. In 1963, the FBI reported approximately 180,000 missing children in the United States. Although high, this number was considered to be an inaccurate reflection of the problem, because of little exchange of this type of crime case between law-enforcement agencies. It was thought to be much higher. Today, the National Center for Missing and Exploited Children estimates that at least 1.5 million children are missing from their homes each year.

Estimates vary regarding the number of missing children who are runaways, kidnapped by parents or relatives, and those who are kidnapped by unknown individuals. Unfortunately thousands of children are kidnapped each year by nonfamily members or unknown individuals. Many of these children only remain missing for a few minutes to a few hours—this is why an accurate count is difficult to determine—many of these cases simply, are not reported. Recent studies have shown that as many as 85 percent of the children who have been criminally, or sexually exploited were in fact missing at the time of the act of exploitation. Demonstrating a strong link between the two issues.

Currently, Section 1201 of Title 18 of the United States Code contains Federal kidnapping provisions. Statutorily, all kidnapping cases of both adults and children are treated in the same manner. In my view, those who kidnap children should be more severely punished. Children are more vulnerable and unsuspecting victims than adults. Society owes special protections to the young who are least able to protect themselves.

The numbers of kidnappers convicted in the United States Courts increased 57 percent from 1983 to 1984, the percentage of those imprisoned actually decreased from 100 percent to 64 percent! Furthermore, the average sentence in 1984 was only 14 years. Those kidnappers are on our streets today.

Considerable efforts have been made to locate missing children. In 1984, The National Center for Missing and Exploited Children opened. They have been extremely instrumental in tracking and locating missing children throughout the states. Community efforts, nonprofit organizations, and other groups have formed to educate children and society on kidnapping problems. However, the "kidnapper" is still on the streets. Little has been done to remedy this problem. Obviously, we need to review our Federal and state laws to help coordinate the capture and conviction of the offender. To stiffen our federal laws is one solution to the problem.

This is why I introduced legislation to tighten up on our current laws. My bill H.R. 605, carves a special case out of the kidnapping statute to pertain specifically to minors.

Any nonparent who kidnaps a minor would be sentenced to life imprisonment without parole or suspension of the sentence. In addition, if a homicide results from such a kidnapping, a court judge may, in lieu of life imprisonment, sentence the

offender to the penalty of death. This would result in permanently removing the offender from the streets.

As I mentioned earlier in my statement, 85 percent of the children who have been criminally and sexually exploited were in fact missing at the time of the act of exploitation. Which will bring me to a second topic of concern: that of child pornography. According to statistics provided by Citizens for Decency through law, some one million children between the ages of 1 and 16 have been sexually exploited and then filmed for the abuser's pleasure and profit. Some 260 child-pornography magazines are sold in this country today. Between 1979 and 1982, the United States Customs Service officials seized more than 247,000 pieces of porn, of which 70 percent contained child porn. On top of that, numerous scientific studies demonstrate the relationship between pornography, crime, and acts of violence.

Pornography is an $8 billion a year business. It is now capitalizing off the use of video cassette recorders. Those that produce and distribute child pornography material have moved their organizations under ground and have formed interstate links to effectively pervade this lewd market. During 1978 and 1979, the FBI conducted investigations of two San Francisco based firms which were identified as leading producers and distributors of child pornography. They seized a mailing list of one of those companies that contained over 5,000 names and addresses from about 30 countries. A study done at Odyssey House, a large New York treatment center, found that many children aged 3 through 17 were recruited as models for pornography by organized narcotics rings through their addicted parents. The money they earned by the children was then used to feed the narcotics habits of the parents.

I have taken one step to combat this industry in H.R. 2539. The legislation would add "sexual exploitation" as a predicate offense under RICO (Racketeer Influenced and Corrupt Organizations) provisions.

If the production and distribution of child pornography were included, along with child prostitution, among the offenses defined as "racketeering activity", the consequences would substantially affect both the criminal and civil liability of child pornography traffickers. Those who are engaged in a pattern of child pornography distribution as part of a business or other "enterprise" would be subject to criminal penalties of up to twenty years imprisonment, forfeiture of any property acquired as part of that enterprise, and a fine of up to $25,000.

The seizure of the business assets of child pornographers are essential in order to effectively destroy the operation. This legislation goes one step beyond the change made in the Child Protection Act of 1984 and permits an expanded case of forfeiture—for example, businesses supporting the child pornography business could be seized.

By amending the RICO provisions, the victim is afforded further protections and compensation. Currently, child pornography victims have no effective recourse against their abusers, either to obtain damages or to prevent circulation of the material in which they appear. Under the change provided by this legislation, the victim of a pattern of child exploitation would have the right to sue their abusers for treble damages plus a reasonable attorney's fee.

Additionally, district courts could be allowed to issue injunctions against those who have engaged in a pattern of prohibited conduct. In other words, the courts could prevent nationwide distribution of a child's pornographic pictures.

Advertising in connection with child pornography is rampant. A recent study showed that of 57 advertisements for child-related materials advertised in June 1983 issues of the 11 best-selling American pornography magazines, 56 listed mailing addresses in the United States. In his testimony before the Senate's Subcommittee Investigations in November of 1984, Toby Tyler of San Bernardino's Sheriff's Department, gave examples of classified advertisements in child pornography magazines and underground publications—I have listed some for you:

(1) "Lolita Club starting. Video, 8mm, magazine exchange. Let us hear from you." This appeared in the Summer of 1984 in a Wonderland—a newsletter of the Lewis and Carroll Collector Guild.

(2) "Family man seeks others with similar interests." Swing magazine, Issue #45.

As a society we currently permit these advertisements allowing for groups to organize. Let's terminate this practice. The third section of my legislation amends the United States Code to prohibit advertising in connection with child pornography. This includes advertisements on where to purchase pornographic material, as well as those that solicit or offer participation in sexually explicit conduct with a minor.

Finally, the last section of the bill makes it illegal to transport minors across state lines for the purpose of sexual exploitation. Currently, a commercial purpose is required for a conviction under this statute. This section eliminates the commer-

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cial purpose. The very act itself would be punishable. Those that are convicted of this crime may be imprisoned up to fifteen years or fined up to $250,000.

There are many loopholes found in our child exploitation laws. My legislation addresses only a few of them. I certainly commend the Committee for examining the real problem of "child exploitation" this morning, and hope that we can find the proper solutions to effectively amend our laws to more effectively protect our children. I will be happy to work with every Member of this Committee to see that goal through.

Thank you.

Mrs. BOGGS. I will turn now to——

Mr. MCCAIN. I would be glad to respond to any questions that the committee might have. I know you have a very full schedule of witnesses, however.

Mrs. BOGGS. Right. Mr. Coats.

Mr. COATS. Thank you, Madam Chairman. And thank you, Congressman McCain, for your testimony. Just briefly, I would ask unanimous consent that my statement be inserted in the record. But I also need to ask unanimous consent that the statements of Congressman Bliley from Virginia and Congressman Monson from Utah be inserted in the record; and, finally, unanimous consent that the record be held open 2 weeks so that we can submit additional material. And, Congressman Smith also I believe has a statement——

Mrs. BOGGS. Without objection.

Mr. COATS [continuing]. That he would like accepted in the record or stated in the record.

Mrs. BOGGS. Without objection, they will be.

[Prepared statement of Congressman Dan Coats follows:]

OPENING STATEMENT OF HON. DAN COATS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA, AND RANKING MINORITY MEMBER, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Thank you, Madam Chairman. I would request that the hearing record be kept open for two weeks.

The purpose of this hearing is both to examine the dangers which exist when insufficient priority is given to enforcing laws against child sexual exploitation and to discuss ways that this enforcement might be improved.

Earlier this year I joined with Congressman Miller and others as an original cosponsor of the Child Abuse and Clearinghouse Improvements Act of 1985. I pointed out then that it is particularly frustrating when those who commit these crimes never even come to trial, or escape conviction, primarily because of difficulties relating to investigation or prosecution in these hard to develop cases. This bill addresses several of these problems.

Recently, a great deal of emphasis has been given to teaching children how to protect themselves and to inform parents and teachers how to detect sexual abuse of children. However, relatively little attention has been given to some of the larger issues, such as how society might act to protect children from becoming sex-objects of a seemingly growing population of individuals.

The problem of pornography, of both children and adults, reach far beyond the immediate victims of its production. A 1978 FBI report on the extent of organized crime involvement in pornography found:

(1) The majority of individuals arrested on sex-related criminal offenses have in their possession at the time of arrest some type of pornographic material.

(2) Organized crime reaps "enormous" profits from pornography which is then redirected to other forms of crime.

(3) Enforcement of pornography laws throughout the country is both inconsistent and inefficient.

Does society have an obligation to protect children from becoming the sex objects of a seemingly growing number of individuals? Last year Congress passed 'The Child Protection Act." Federal law now prohibits pornographic depictions of children because their production necessarily involves the abuse of a child.

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Some materials, including some types of television programming, use methods which, though not illegal in themselves are clearly calculated to encourage pedophilia. There is also a growing body of evidence that even supposed "soft-core" pornography has the effect of making the viewer less sensitive to sexual violence against women and creates an appetite for more unusual and deviant materials, including violence.

Members of a Committee devoted to the well-being of America's children and families cannot be unconcerned about those aspects of our society which seem to feed the inclination for violence against women, pervert normal and healthy relations between husband and wives, and encourage an interest in molestation of children.

I would like to conclude with some comments from a letter a lady from my hometown in Fort Wayne, Indiana, recently wrote to me, which I believe graphically illustrate the points I've tried to make:

"My nephew was one of Kevin Fett's victims. Kevin Fett is the person who had 33 counts of child pornography, child sexual exploitation, etc. filed against him in June of this year. My nephew was victimized for over a period of three and a half years. I will never forget the night we found out for sure that my nephew was one of the victims. I know that my sister's crying and sobbing, 'He hurt my baby, dear God, he hurt my baby,' will forever be in my mind. Nor will I ever forget my nephew's anguish and then relief that he would no longer have to bear this terrible burden alone.

"Anyone that loves and cares about my nephew has been victimized by this repulsive act. My nephew suffers from nightmares. My sister has trouble sleeping because every time she closes her eyes she sees the pictures all over again, and she cries a lot. My own son was not victimized by Fett, but just the same he is a victim. He cries easier than he used to, and he worries about his cousin. Sometimes on the way home from work on the bus the thoughts appear, uninvited, and I find myself hearing my sister crying and I start crying.

"We thought nothing could ever happen like this in our family. My sister and I both had sat our children down and talked to them over and over trying to protect them from things like this. We had them watch every program dealing with crimes against children so they would know what to expect. But, still, it didn't protect them.

"These children were victimized, molested, brutalized, half their childhoods were taken from them, never to be regained, and their natural curiosity about sex has been distorted and made dirty and perverted by the indecent acts of this person.

"What is going on? When is justice going to open her eyes to the fact that our children need protection from people like this? Why is the law so concerned about the criminal and not the victim? Don't our children mean more than this? Now, the children are scared that Fett will get out and hurt or even kill them and their families. So Fett gets a light sentence while most of the children are scarred for life (emotionally). Doesn't anyone care? We were told that if the children got up on the witness stand and messed up because they were scared or nervous the jury could find Fett totally not guilty. Couldn't a jury understand the children's fears and the fact these are children who were sexually exploited and/or molested? They were in one way or another tortured mentally, emotionally, physically, and sexually, by this person. What's wrong with everyone? I feel that I should start a movement to get these laws changed to more severe laws, to protect the children. I don't understand. Can't anyone do something? Can't anyone hear the children crying?"

PREPARED STATEMENT OF HON. THOMAS J. BLILEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Thank you, Mr. Chairman, for this opportunity to speak to the task force on child victims of exploitation and the problems of enforcement of and prosecution under existing laws.

I would like to address my remarks to the sexual exploitation of children, and, in particular, to the reluctance of our federal agencies to pursue and prosecute those who victimize children through pornography. Dial-a-porn, a service provided over the telephone, allows individuals to hear recorded messages which are by any parent's standards manifestly unfit for children; whether they are obscene, lewd, lascivious, filthy, or indecent. This service started in February of 1983. Within a few months, after parents began receiving high phone bills for calls to dial-a-porn numbers, the outrage of mothers and fathers around the country was evident. They could not believe that such filth was within the reach of their children's fingers, unhindered by any authority. I will spare you all the details of the fight to protect

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these child victims, but I would like to point out the slow progress of the federal government in dealing with this problem. It was not until October 10th of this year that the FCC came up with what I consider to be acceptable regulations to prevent access of these messages to children. Between February and September of 1983 when it issued its Notice of Inquiry, no action was taken by the FCC, except to refer the matter to the Department of Justice which later returned it to the Commission. In December, 1983, Congress amended Section 223 of the Communications Act of 1934 and the FCC was required to issue regulations within 180 days restricting access by minors to dial-a-porn and other services covered by the amendment. When it did so, the regulations were wholly inadequate to accomplish the purpose intended, and were subsequently set aside by the U.S. Court of Appeals for the Second Circuit. After issuing another Notice of Proposed Rule Making, the Commission issued new regulations which require services to issue access codes to customers or payment by credit card. I support this approach because it has the practical effect of screening out minors, and because dial-a-porn generates its revenues from the sheer volume of calls.

However, the fight has not ended. We expect the FCC regulations to be challenged before they go into effect on November 25th. In the meantime, for two and a half years, perhaps longer, parents have had no help in protecting their children from those who purvey obscene and indecent material in clear violation of the letter and intent of the law. Moreover, some would say, and I believe rightly so, that Congress has even given suppliers of pornography its sanction to continue these harmful services.

By way of closing, let me quote some of the findings of Victor B. Cline, a clinical psychologist and Professor of Psychology at the University of Utah, in a review of interviews with child victims of Dial-a-Porn.

"1. It would appear that for every child without exception there was an "addiction" effect in using these sex materials. They seemed hooked on it and kept going back for more.

2. Nearly all of the children had clear memories of a great deal of the content of the calls they heard. . . . This may . . . help explain the addicting effect. These powerfully sexually arousing experiences become vivid memories which the mind continually "replays" stimulating the child again and again and suggesting the need for even further stimulation via making more phone calls.

3. Almost without exception most of the children felt guilty, embarrassed and ashamed about what happened.

4. In nearly all cases there were some problems and tensions generated in the parent child and family relationships because of their involvement with Dial-a-Porn."

PREPARED STATEMENT OF HON. DAVID S. MONSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Madam Chairman: Children are our most precious resource, and yet the criminal and sexual exploitation of children is a growing epidemic in this country. Our efforts to prevent crimes against children and to protect this most precious resource from abduction or exploitation have not been successful. Over and over again we have witnessed the tragic consequences of these child victims in our criminal justice system demonstrating overwhelming evidence for the need to improve and change the laws to protect our children.

In the State of Utah, it has been estimated that 1 out of every 4 girls and 1 out of every 10 boys under the age of 14 have been sexually molested. This fact is an alarming one, and reminds us that we must do as much as possible to protect our children. It seems that many of the culprits in these crimes include child-care workers, teachers and other school employees. The State of Utah has recently enacted legislation that requires a sheriff or chief of police to notify the school district, the department of public safety, and the superintendent of schools if a public school teacher is arrested for offenses involving sexual conduct. In addition, if the school employee is a nonteacher, the sheriff or police chief shall notify the superintendent of schools concerning information about the arrest.

Children have become a product. It has been reported that some people are willing to pay as much as $20 to $30 thousand for a child. This is primarily for illegal purposes—often for sexual exploitation. Children as young as 5 and 6 are being used in pornography. Last year over a million and a half children were reported missing in this country! In Utah, 137 children were reported missing as of last month.

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It is for this reason that I am leading a district-wide effort to combat the problem of missing and exploited children. On October 26, 1985, I held the first in a series of "Child Safety Days" in my district. The response was overwhelming. Parents and children waited in line up to two hours to receive a free identification kit. Children were fingerprinted, photographed and measured to provide parents and guardians with accurate material that they can provide to assist authorities should they ever have a lost child.

While we hope these materials will never be needed, we find that two advantages were achieved by holding such an event. First parents were given greater peace of mind by having this opportunity.

Second, parents had a teaching opportunity to better prepare their children to react in an emergency situation.

The Missing Children Act, signed into law in October 1982, established a national clearinghouse of information on missing and exploited children. In 1984, a permanent resource center on Missing Children was established within the Department of Justice. While this legislation has been helpful, it is not enough. We in the 99th Congress must continue to work to address this tragedy of missing and exploited children.

PREPARED STATEMENT OF HON. ROBERT C. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW HAMPSHIRE

I want to thank the chairman of this select committee for holding this hearing on "child victims of exploitation". I, along with my colleagues, am very concerned with the issue of child pornography and sexual exploitation. As a parent and a lawmaker, I feel strongly about the need for stringent laws at both the Federal and State level to protect our children against these heinous crimes.

There is not enough done to prevent sexual exploitation of children. If we can educate our children as to the possible dangers that exist, along with concerted efforts to provide our schools and day care centers with precautionary measures, hopefully we can begin to address this crucial problem. We have the power and the responsibility to keep these criminals away from our children. It is time to get on with the job of enforcement, prosecution and sentencing these criminals of the crimes they commit. The future of our children is at stake.

I would like to submit to the record a statement from the attorney general of New Hampshire, Steve Merrill--Mr. Merrill has been a leader in the fight against child abuse in New Hampshire.

Again, I commend the chairman, Mr. Miller, and the ranking minority Member, Mr. Coats for holding this important hearing.

PREPARED STATEMENT OF HON. JOHN R. MCKERNAN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

PROTECTION AGAINST CHILD ABUSE IN DAY CARE

DEAR COLLEAGUE: Increasingly, our nation's children are cared for outside of the home. Day care facilities have now become an integral part of the environmental and educational world of millions of young American children. Today, more than half of America's children have both parents in the work force. Another one in five grows up in a single parent family, and the number of children in these one parent families is expected to increase by an astounding 48 percent over the next decade. With this change come new responsibilities for protection against abuse of children in day care.

The compelling need to respond to this trend is further evidenced by a recent study published by the National Committee for Prevention of Child Abuse. This study showed reports of sexual abuse of children up 36 percent in the last twelve months, translating into more than 120,000 instances of sexual molestation of children. Reported child abuse rose 19 percent, bringing the total number of reports of abuse in 1984 to 1,373,000. Child abuse has reached epidemic proportions in the United States.

In response to this problem, our colleague from New York, Representative Fish, and I have introduced legislation to provide a federal incentive to states to improve regulation of out-of-home child care providers. As advocates of a silent constituency—children—we urge you to join us in fostering this cause.

Our legislation is a solid step to curb abuse in day care by requiring states to establish basic child care standards, while allowing them to develop their own guide-

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lines to meet their particular needs. Under this legislation, states' use of Title XX funds for child care would be contingent upon their establishing, monitoring and enforcing child care standards in the areas of health; safety; nutrition; protection against abuse and neglect; parental involvement; training and technical assistance; and facility inspections and the provision of sanctions for non-compliance.

Caring for children is a great responsibility and we must do everything we can to ensure their protection and health, and the adequacy of their care setting. We urge you to join us in this goal by cosponsoring H.R. 2116. Please call Barbara Calkins of my staff (5-7119) if you would like to cosponsor.

With best wishes,

Sincerely,

JOHN R. MCKERNAN, Jr.,
Member of Congress.

Mr. COATS. And very briefly, I thank the Chair for your strong interest in this most important subject and the entire committee for its willingness to move ahead in an area that I think needs full explanation, full hearings, and certainly responses at not only the Federal level but the State and local level. Law enforcement at all levels must deal with what we all regard here as a serious, serious problem that involves not only the tragedy of intra-family sexual abuse but extra-family involvement of individuals and organized groups, including organized crime, that are exploiting our young children for profit and for a number of other reasons. And it is important that we as Congress deal with this issue directly and do all that we possibly can to address this very, very critical question.

So I again thank the Chair and the committee for holding this hearing and look forward to hearing from the witnesses and will study questions and information that will come from them.

Mrs. BOGGS. We are very grateful to you for your inspiration and making certain that this hearing is a reality. And thank you very much. Mrs. Schroeder.

Mrs. SCHROEDER. Thank you, Madam Chair. And I also want to thank our colleague from Arizona for his leadership in this area. To just put it in a nutshell, these are the most vulnerable victims in America. Let's face it, they are the most victimized victims and they have the fewest weapons or least ability to be able to fight back. So, I think we ought to be doing absolutely everything we can to try and stop it. I thank you for your concern and for the Chair's concern and for having the hearing this morning.

Mrs. BOGGS. Thank you. Mr. Smith.

Mr. SMITH. I would like to thank my colleague from Arizona for his leadership. I am with him on those bills he has introduced with pleasure. And I think the bottom line as Mrs. Schroeder just said is that these children really are victims that desperately need our help and I do not think there is any higher priority. I think it is time that we strip the bureaucracy and the redtape away and get on with legislation to keep these animals away from our children.

And I commend you, Mr. McCain, for your leadership in this area.

Mr. MCCAIN. Thank you, Mr. Smith. And, could I just mention one thing that I would like to emphasize again that was in my statement. Since it is a big money business, $8 billion a year in child pornography, I am convinced that the best way we can attack them is to deprive them of their ill-gotten gains. Too often as with drug dealers, they go to jail for 6 months, they have made millions and millions of dollars, they come out of jail and they are able to

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enjoy those ill-gotten gains. And I believe that one of the ways and there are many that have to be attacked is to take this money and these ill-gotten gains away from them. I think expansion of the RICO provisions will provide that. It has been extremely effective in the drug problems that we face and I think it can also be effective in combating child pornography as well.

I appreciate your support.

Mrs. BOGGS. Dr. Rowland.

Dr. ROWLAND. Thank you, Madam Chairman and thank you for conducting this hearing today. And John, thank you very much for being here, for your testimony and what you are doing to address this problem.

I have a current issue of the Atlanta Journal and there is a disturbing headline that reports child abuse has nearly doubled in the State of Georgia in the past couple of years. I wonder if this is a relative or absolute increase. I wonder if this is something that has been going on for many years and has been closed to public scrutiny. And now we are learning more and more about it and it is being reported more and more.

There are about 20 States that have already enacted some form of legislation to try to deal with this problem but I certainly think we need to very strongly consider something on the Federal level since it is becoming so apparent now. It is estimated that as many as 1,000 children died last year as a direct result of child abuse. And it is projected that more than a million children will be affected by some form of child abuse this year.

Again, thank you very much and I wish to have this made part of the record, Madam Chairman without objection.

Mrs. BOGGS. Without objection, it will be made part of the record.

[Material from Dr. Rowland follows:]

[From the Atlanta Journal]

REPORTS OF CHILD ABUSE HAVE NEARLY DOUBLED IN STATE

Reports of child abuse—from verbal abuse and neglect to broken bones, cigarette burns and rape—have almost doubled in Georgia in four years.

And cases of sexual abuse of children in Georgia doubled in the six-month period ending last February, compared to the preceding six months. In DeKalb County, sexual abuse cases jumped by 400 percent from 1976 to 1983.

As a result of such step rises, two special state committees are working on legislative remedies, including helping the victims in court and affiliating the state with national networks.

"There was just a burgeoning in the number of reports," says attorney Rex Ruff, who was Cobb County Juvenile Court judge for 12 years. "It's life the dam had broken."

DeKalb County District Attorney Robert Wilson says victims have learned they can report such crimes without fear of retribution.

Ruff and Wilson are two of seven persons named by Gov. Joe Frank Harris this month to the new Governor's Committee on the Protection of Children, chaired by state Rep. Steve Thompson (D-Austell).

"The awareness to this problem is overwhelming," Thompson said. "I'm starting to get calls from Valdosta, all over the place."

In contrast with his committee's overview of all sort of crimes against children, a second committee is concentrating on sexual abuse. That committee, formed during the summer after a legislative resolution, is headed by Georgia Supreme Court Justice Thomas Marshall.

Both committees are expected to meet for the first time in November, and two key proposals are expected to emerge.

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One is to make an exception to hearsay rules of evidence and accept in court a videotape of the victim's initial description of the incident. The child would be interviewed on videotape by an expert immediately after the alleged abuse is reported to authorities.

"The exception to the hearsay rule is especially applicable to sexual abuse cases," said J. Tom Morgan, an assistant to Wilson in DeKalb County and a member of Marshall's committee.

"Children, just like adults, want to black out unpleasant memories," said Morgan, the only prosecutor in the state to specialize in prosecuting sexual abuse. "The average time for going to trial is four or five months. The child will forget. The child wants to forget."

The other proposal would expand a law passed in the last session, allowing the judge to screen questions from the defense and prosecution before the child testifies.

"What this does," Thompson said, "is remove the child from the circus-type atmosphere of the courtroom and keep him or her from undergoing any more emotional or mental harm."

Both suggestions may be in conflict with the constitutional right of facing one's accuser, and Thompson and Ruff said they recognize the fears.

"We're going to have to tread rather softly with regard to some of these issues," said Ruff, who added that in his years on the bench he had "never seen a courtroom become a circus-like atmosphere.

But he agreed with Thompson that protection for the child is valuable. "There's no question that there's some trauma involved in children who have to take the witness stand."

Such a proposal would strengthen the bill passed in the 1985 session. That law allows a judge to direct that testimony be taken by closed circuit television for children 14 years or younger. The 1985 law also provides that for the testimony of any child 16 years or younger, the courtroom must be cleared of everyone but reporters and parties to the case.

Thompson, who said he is confident that a package of laws will be passed in the 1986 session, said the governor's committee will consider possible legislation in at least two other areas. They are:

Resolutions allowing Georgia to grant funds to or affiliate with such organizations as the National Missing Children Network and the National Center for Missing and Exploited Children in Washington.

Installation of observers in child-care centers under investigation for reported abuse. "It not only would stop what's going on (at any investigated facility), but with that law on the books, it would be a heck of a deterrent," Thompson said.

That proposal may not pass constitutional muster, Thompson conceded, but nevertheless will be discussed by the committee. "We're going to look long and hard at all these things," he said.

Wilson, who said he was not familiar with the observer suggestion, agreed. "We will undertake to look at any proposals, whether utterly sound or ridiculous," he said.

Thompson said 20 states already have measures designed to protect child abuse victims. "We're currently researching to see what has been passed and what has been upheld by the courts," he said.

Meanwhile, the problem continues. One thousand children died last year in the United States as a direct result of child abuse, "and it's projected that more than 1 million cases of some type of child abuse will be reported this year," Thompson said.

In Georgia, all reports of child abuse—physical, sexual, emotional and neglect—jumped from less than 13,800 for 1980-81 to nearly 26,000 for the 12 months ending June 30, 1985, according to the State Department of Human Resources.

In DeKalb County, the number of sexual abuse cases has jumped from 30 involving 35 children for all of 1984 to 80 cases and more than 100 children in the first nine and a half months of 1985, Morgan said.

"Those are the most current shocking figures, and those are the crux of the matter we're going to use in our presentation this year," Thompson said.

Mrs. BOGGS. Mr. McKernan.

Mr. MCKERNAN. Thank you, Madam Chair. I just want to commend you on having this hearing; it is one of the ongoing aspects of this committee that is probably the most important, and this hearing will help to determine exactly what the impact of these situations are on our children. And to the gentleman from Arizona, someone who I know throughout his time here in the U.S. House of

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Representatives, who has been looking out for children, and into has done a lot of work on these particular issues, I commend him for his legislation. We really have studied this matter in depth, and obviously the existing laws are not working, and they are not protecting our children. It is this type of creative thinking that the gentleman is involved with, and this kind of legislation that he has introduced, that I think will go a long way to protecting our children.

Mrs. BOGGS. Thank you. Mr. Wolf.

Mr. WOLF. Thank you, Madam Chairman. I want to thank you for having the hearings and commend the gentleman from Arizona. I have one thought. I have introduced legislation which I think would go a long way toward dealing with some of these problems. And I recommend that the committee and the Chair look at it. What it basically considers is the fact that much of the child pornography material that comes into the Nation comes in from foreign countries, from Scandinavia among other places. Right now, the only place that the cases can be brought on the east coast is by the U.S. attorney for the Eastern District of New York because that U.S. attorney represents the airport where a lot of the material comes in.

They have so many cases there, organized crime cases, white collar cases, and many others, that the U.S. attorney in the eastern district is not bringing very many cases of this kind. This legislation would say that the case could be brought by the U.S. attorney in the district where the material is addressed, where it is sent. So if it is sent to any area of this country, the U.S. attorney in that area, whether it be in a State in the Midwest or the Farwest, could bring the case before the court there and not rely on the U.S. attorney in the Eastern District for New York.

That would take the burden off the U.S. attorney in the Eastern District of New York. The community standards are different in many areas of the country than they are in New York. I think passage of the bill would bring about a lot of prosecutions. When localities can follow material that comes in and bring the case to trial there, they then many times find people who are involved in this process who could really make a tremendous difference.

I would appreciate it if the Chair would look at this and see if perhaps the committee would make a recommendation to the full Congress on this legislation. Again, I want to thank the Chair and thank the gentleman from Arizona.

Mrs. BOGGS. And we thank you, Mr. Wolf for your continuing interest and look forward to discussing your bill.

Mr. McCain, I wonder if you would clarify something for us. You certainly clarified how the bill changes the legislation Public Law 95-225, the Protection of Children Against Exploitation Act by saying that you would take away simply the commercial aspect, the transport of minor's across State lines for sexual exploitation purposes but could you tell us how the bill differs from the Child Protection Act of 1984 which specifically provides for the seizure of profits and all property connected with the production and distribution of pornographic materials?

Mr. MCCAIN. Yes, Madam Chairman, it would. As you mentioned, the Child Protection Act does allow for the seizure. This bill

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also expands that ability. For example, there are businesses which support child pornography business, the film makers, the stores themselves, and the owners. There are many others, and this is a very large network of child pornography across this Nation today. This would expand in that the assets of those organizations which support this vast network would also be liable under RICO.

In addition to that, the Child Protection Act does not have any provision for the child pornography victims to obtain damages or prevent the circulation of material in which they appear. I believe that these young Americans should have the ability to sue for damages and to prevent the circulation of those materials which they have fallen prey to. And this, just as I believe anyone else who has been unjustifiably exploited, as Mrs. Schroeder pointed out, they are the least able to defend themselves. And I believe that this is a very important part of it. And to prove that a child was taken across the State lines for "commercial purposes" is sometimes difficult. To prove that the child was taken across State lines for simply sexual exploitation is much easier and I believe that will aid in our ability to convict.

I would also like to comment on Congressman Wolf's legislation if I could. I believe that this legislation would provide a very valuable contribution. We are finding that a great deal of the child pornography materials are coming out of certain countries in Western Europe. We feel that should be stopped. If those kinds of attitudes and behavior are suitable to those countries, that is fine, but I do not think it should be exported into this Nation.

I also do not think, however, we should forget that there are inside the United States very substantial businesses that are dealing in the production of child pornography as well.

Mrs. BOGGS. Thank you very much. Are there any other questions?

Mr. COATS. Yes, I have some questions, Madam Chairman. Congressman McCain, are you aware of any opposition to your particular legislation? Has anybody raised any criticisms or suggestions for changes or given you any reasons why this could not move forward in a legislative process?

Mr. MCCAIN. No, Mr. Coats. I have seen no opposition. We do have 92 cosponsors from both sides of the aisle. I think it is a matter of getting the attention of the other Members of Congress. That is why I am so grateful for this hearing being held today because anything we can do and particularly the testimony of the witnesses that will appear here today, I think dramatically and graphically demonstrate the need for this kind of legislation.

I also do not take pride in authorship. I also would be more than happy to join with anyone who would help in seeing that this legislation is passed and that we can get hearings in the Judiciary Committee.

Mr. COATS. Has the Department of Justice given you any comment?

Mr. MCCAIN. Been very supportive.

Mr. COATS. Been supportive?

Mr. MCCAIN. Indeed; yes.

Mr. COATS. Well again, I commend you for your legislation. Congressman Wolf has submitted a bill. The chairman, Mr. Miller, and

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I have submitted a bill, and there are others that have been submitted. I do not think it is any one piece of legislation that deals completely with the problem; but through our willingness to come together to find solutions and to form the proper kind of partnership with enforcement agencies, we may be able to give them the tools—the prosecution tools and the enforcement tools—to deal with this problem.

And again, thank you for your leadership on this.

Mr. McCAIN. Thank you.

Mrs. BOGGS. Are there any other questions?

Mr. McCAIN. Thank you again, ma'am.

Mrs. BOGGS. Mr. McCain, we would be happy, if you have the time, to have you come and sit with us.

Mr. McCAIN. Thank you very much.

Mrs. BOGGS. And, we are very grateful for your interest and your input. There are two bells if anyone wishes to go and come back to vote.

I would like to mention that the chairman of the full committee, George Miller of California, has a very special interest in this subject and would like very much to be with us today but he is on the Conference Committee on the debt ceiling and it is impossible for him to spend much time with us. I would like at this point to insert into the record the chairman's statement and also to insert into the record the very splendid factsheet that the committee staff has compiled.

[Opening statement and fact sheet of Chairman George Miller follow:]

OPENING STATEMENT OF HON. GEORGE MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Today's topic, "Child Victims of Exploitation," is another effort by this Committee to explore current conditions among America's children and youth.

We know that children and teenagers, because they are young, are vulnerable to those who would exploit them sexually, involve them in drug dealing, and other criminal activities.

Today we will learn what can be done to better protect them. Through improved laws, stronger law enforcement, and especially through the provision of services to troubled children, troubled teenagers and their families.

We will hear the expert testimony of law enforcement officials, researchers, and service providers. Several of our witnesses have come a great distance to share their knowledge with us. I issue a special welcome to them.

But several witnesses also come from the Washington, D.C. area. They are a reminder to us that the problem of exploited children exists everywhere, even here just blocks away from the capitol.

We need to do more about the exploitation of children, and we need to begin by gathering much better information than we now have. That is why I am hopeful we will soon pass legislation which Congressman Don Edwards, Dan Coats, and I, along with others, have introduced which will require the F.B.I. to collect statistical information on child abuse crimes, including sexual abuse.

I look forward to today's testimony in the expectation that these witnesses will deepen our understanding of how and why children become exploited, and what can be done to intervene effectively.

CHILD VICTIMS OF EXPLOITATION—A FACT SHEET

Children most victimized by crime.—Children aged 12-15 have the highest victimization rate for crimes of theft for any age group (125.8 per 1,000); children aged 16-19 have the highest victimization rate in crimes of violence for any age group (64.5 per 1,000) and young people age 12-14 have the highest victimization rate for both

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crimes of violence and crimes of theft. The over-65 population, by contrast, has a victimization rate of violent crime of 5.5 per 1,000 and of theft, 22.9 per 1,000. (U.S. Dept. of Justice, "Criminal Victimization in the United States, 1983)."

According to the National Center for Educational statistics, 11%, or 2.4 million, of all American secondary school children have something worth more than $1 stolen from them during any given month. An estimated 1.3%, or 282,000 secondary students report they have been attacked in school during a typical one-month period. Forty percent of the attacks resulted in some injury. (Grace Hechinger, "How To Raise A Street-Smart Child, 1984)."

Child sexual abuse, including sexual exploitation, is widespread.—At least 22 percent of Americans have been victims of child sexual abuse—27 percent of women and 16 percent of men. Sexual intercourse was involved in 55 percent of the molestations and 39 percent of these incidents occurred repeatedly. Abusers were friends and acquaintances (42 percent), strangers (27 percent) and relatives (23 percent). ("L.A. Times Poll," August 25, 1985.)

In 1983, 25 percent of the children reported as sexually abused were under the age of six. (American Humane Association, 1985).

Missing children often exploited.—Of the 1.5 million youth each year who runaway or are homeless, 25 percent are hard core "street kids"; 75 percent engage in some type of criminal activity; and 50 percent engage in prostitution. (U.S. Department of Health and Human Services, October, 1983).

In a study by The Louisville-Jefferson County (Kentucky) Exploited and Missing Child Unit, of 1400 cases of children suspected of being victims of sexual exploitation between 1980 and 1984, 54 percent were found to have been exploited and 85 percent of these were missing from their families or guardians at the time of the exploitation. (John Rabun, Deputy Director, The National Center for Missing and Exploited Children, Testimony before the Senate Subcommittee on Juvenile Justice, "Effect of Pornography on Women and Children," October 18, 1984).

Estimates about whether teenage prostitution is increasing vary.—A 1982 survey of 50 state officials and 22 city government and police officials shows survey respondents generally agree juvenile prostitution has increased in recent years. (General Accounting Office, 1982).

A recent report, based on direct field investigation, case review, and a survey of 596 police departments in 50 states, estimates the number of male and female prostitutes to be between 100,000 and 200,000. (Daniel Campagna and Donald Poffenberger, "Sexual Exploitation of Children: Resource Manual," 1985).

The same report states that of 596 police departments surveyed, 89 (38.6 percent of those responding reported a recent increase in juvenile prostitutes and 116 (50.4 percent) reported a recent decrease. (Campagna and Poffenberger, "Sexual Exploitation of Children: Resource Manual," 1985).

Sexual abuse and exploitation at home a factor in teenage prostitution.—31–66 percent of female and 10–29 percent of male teenage prostitutes are sexually abused by family members. (D. Kelly Weisberg, "Children of the Night," 1985).

70–75 percent of both male and female teenage prostitutes come from homes where relationships with adults are characterized by neglect, alcoholism, abuse and hostility. (Weisberg, "Children of the Night)."

Child sexual abuse is also a factor among pedophiles. The majority of child sex offenders, conservatively estimated at 80 percent, were sexually abused as children. (Nicholas Groth, Interview, "Medical Aspects of Human Sexuality," May, 1985).

While commercial child pornography has decreased, sexual exploitation of young children continues.—During the late 1970's, nearly 400 child pornography magazines were in circulation. (Los Angeles Times, September 16-1985).

Since passage of The Protection of Children Against Sexual Exploitation Act (P.L. 95-225) in 1978, which outlawed commercial production and distribution of child pornography, U.S. production of commercial child pornography decreased significantly. (Jack O'Malley, U.S. Customs Special Agent, Hearing before the Senate Permanent Subcommittee on Investigations, "Child Pornography and Pedophilia," November 29 and 30, 1984).

Since passage of The Child Protection Act of 1984, (P.L. 98-292), which outlawed non-commercial distribution of child pornography, U.S. Customs has opened 166 investigations, resulting in 29 federal felony convictions and 38 state convictions. In 1983 there were 5 state convictions and 1 federal conviction. (Los Angeles Times, September 16, 1985).

State, city, and police officials surveyed believe that the number of children involved in commercial and non-commercial pornography has increased or remained the same. (GAO, April, 1982).

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I think that perhaps we would save some time if we would have the witnesses of the first panel to at least come and settle themselves at the table. And as soon as we have someone else who comes back from voting, we will proceed with your testimony. This is Mr. Kenneth V. Lanning, a special agent, Behavioral Science Unit of the Training Division of the Federal Bureau of Investigation. Welcome, Mr. Lanning.

Mr. LANNING. Thank you.

Mrs. BOGGS. And Victoria Wagner who is executive director of the Seattle Youth and Community Services from Seattle, WA. And thank you for coming across the continent to be with us this morning.

Ms. WAGNER. Thank you.

Mrs. BOGGS. And a different time zone as well, I know how early in the morning it is for you.

Ms. WAGNER. Right.

Mrs. BOGGS. Michael Jupp who is executive director, Defense for Children International—U.S.A. from Brooklyn, NY. We are very, very pleased to have all of you and I feel that we should wait for some of the other members to come back in order for your testimony to be heard by as large a number of the panel as is possible. So thank you for being here and I think I will go now and vote and come back as soon——

[Whereupon, a brief recess was taken.]

Mrs. BOGGS. The committee will come back to order. We have been joined by Congresswoman Johnson and we would be happy to have a statement from you if you would honor us with one.

Mrs. JOHNSON. While we are waiting for our colleagues, I just want to commend you for having these hearings and for the intense interest that so many members of the committee have shown in this issue. As a cosponsor of John McCain's bill and a cosponsor of the legislation that we passed in 1984, it is something that has long concerned me. I think it is very difficult to bring to the surface the enormous economic interests involved here, the amount of organized crime and the other major impediments to our being able to take any significant action in regard to protecting children from really absolutely outrageous experiences.

I appreciate your leadership in holding this hearing today.

Mrs. BOGGS. Thank you very much. I have welcomed the panel and again I would like to say for the members who are here now that we will hear from Mr. Kenneth Lanning who is a special agent in the Behavioral Science Unit, the Training Division of the Federal Bureau of Investigation, Ms. Victoria A. Wagner, the executive director of the Seattle Youth and Community Services from Seattle, WA and Mr. Michael Jupp who is executive director, Defense for Children International—U.S.A. from Brooklyn, NY.

We are very happy to have all of you and I would be very happy, Mr. Lanning, if you would proceed.

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STATEMENT OF KENNETH V. LANNING, SPECIAL AGENT, BEHAVIORAL SCIENCE UNIT, TRAINING DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. LANNING. I would like to start certainly by thanking Madam Chairwoman and the committee for inviting the FBI to be here today. I am Special Agent Kenneth Lanning. I am a member of the Behavioral Science Unit of the FBI's Training Division. I am here today at the request of the committee to provide information concerning the law enforcement perspective of the problem of child victims of exploitation.

I have a very brief statement that I would like to read into the record and then answer any questions that you might have.

Mrs. BOGGS. Please proceed.

Mr. LANNING. As used in this statement, sexual exploitation of children is a term to describe the sexual victimization of children involved in child pornography, child sex rings and child prostitution. A pedophile is technically an individual with a sexual preference for pre-pubertal children. However, in general or in law enforcement useage, it refers to anyone whose erotic imagery and sexual fantasies center around children of any age.

Although not all child molesters are pedophiles, offenders involved in child pornography and child sex rings are predominantly pedophiles. A wide variety of individuals may sexually abuse children but pedophiles are the primary sexual exploiters of children. Contrary to lingering myths, the pedophile child molester is usually neither a stranger nor a dirty old man in a wrinkled raincoat with a bag of candy. He typically knows his victims, is not dirty or old and he dresses and looks like everyone else.

He typically nonviolently seduces children that he has befriended through the use of adult authority, attention, affection, and bribes. The pedophile is skilled at recognizing and then temporarily filling the emotional and physical needs of children. He is usually willing to spend as much time as it takes to seduce the targeted child.

Although almost any child molester might be capable of violence or even murder to avoid identification, pedophile type child molesters rarely abduct children. Most of the sexually motivated child abductions and murders profiled and assessed by the FBI's Behavioral Science Unit have involved situational type child molesters who seem to select child victims primarily because they are vulnerable prey. In addition, some child abductors are motivated by reasons other than a sexual interest in children.

Children are sometimes abducted by emotionally disturbed individuals seeking a child to fill a perceived void in their life. Other child abductors are motivated by monetary profit.

Some pedophiles gain access to children by looking for women who already have children who meet their age and gender preferences. Their marriages usually last as long as there are children in the victim preference range of the pedophile. In today's more liberal society, such offenders frequently no longer marry the woman but simply move in with her and her children. On some occasions, they merely befriend the mother and do not even pretend a romantic interest in her but only express a desire to be a "father figure"

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for her children. Another technique is to marry a woman and adopt children or take in foster children. The last and least desirable technique for the pedophile child molester who uses marriage or women to gain access to children is to have his own children. This is the least desirable method for the pedophile because it requires the offender to have sex with his wife and because there are few guarantees that the baby born will be of the preferred sex. Adult sexual relations are more difficult for some pedophiles than for others.

Other pedophiles gain access to children simply by using their status as the "nice man in the neighborhood" who likes to have kids at his house. He is more than willing to babysit the neighborhood kids and he is especially willing to take them on weekend or overnight trips.

It is sad but true that there are some parents who rather than being suspicious of such individuals are apparently glad to find anyone willing to take their children off their hands for a few hours or a few days. Sometimes this may be due to factors beyond the control of these parents however. Probably the most common method used by pedophiles to gain access to children is their occupation or vocation.

A pedophile may seek employment where he will necessarily be in contact with children, teachers, camp counselors, school busdrivers, et cetera, or where he can eventually specialize in dealing with children as a physician, a minister, a photographer, a social worker or police officer, et cetera. The actual or alleged occupation of photographer, modeling agent, or movie producer has repeatedly been used to dupe parents into allowing their children to be photographed in nude and sexually explicit poses.

Pedophiles interested in adolescent children may operate a business and then hire such children as employees. Frequently, a pedophile will use a vocation, hobby, or community service to gain access to children. He may become a scout leader or big brother or foster parent, little league coach, et cetera. It must be clearly and unequivocally stated that the vast majority of individuals in these above-described occupations, vocations, and hobbies are not, and I repeat –are not pedophiles.

The problem for society is attempting to distinguish between the vast majority sincerely interested in the welfare of children and the small minority interested in exploiting their legitimate access to children.

Investigation all over the United States by State and local police, the U.S. Postal Inspection Service, U.S. Customs, and the FBI have verified that pedophiles almost always collect child pornography and/or child erotica.

Collection is a key word. It does not mean that pedophiles merely view this material. It means that they save it. It comes to represent their most secret sexual fantasies. They typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audio tapes, video tapes and equipment, personal letters, diaries, sexual aids, souvenirs, toys, games, lists, paintings, ledgers, photographic equipment, et cetera, all relating to children in either a sexual, scientific, or social way.

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Not all pedophiles collect all these items. Their collections vary in size and scope. They collect this material not only because it fuels their sexual fantasies but also because it validates their behavior and serves as a souvenir or memento of their relationship with a child. This is a concept which is frequently overlooked by many people studying this problem. They forget the other purposes or uses of this pornography and erotica.

Pedophiles are the primary producers and consumers of child pornography. Most children identified in child pornography were never missing children. Many are seduced into pornography by pedophiles that they know and then return home each day without their parents realizing what is happening. Some are photographed by or with the consent of their parents. Few of these children have been abducted.

Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of and/or embarrassed about their betrayal in such material. They must deal with the permanancy, longevity, and circulation of such a record of their sexual abuse. Some types of sexual activity can be repressed and hidden from public knowledge. Child victims can fantasize that someday the activity will be over and they can make a fresh start. Many children, especially adolescent boys vehemently deny their involvement with a pedophile. But, there is no denying or hiding from a sexually explicit photograph or a video tape. The child in a photograph or video tape is young forever and therefore the material can be used over and over again for years.

Some children have even committed crimes in attempts to retrieve or destroy the permanent records of their molestation. Child pornography in essence is the permanent record of the sexual abuse of the child. It does harm in and of itself. Each time it is reproduced, sold, swapped or traded, the molestation of a child is perpetuated again and again.

I would like to add one final statement and that is just to point out to the committee that a Joint Bureau of Justice Statistics, FBI Task Force has recently undertaken a study of the Uniformed Crime Reports Program and has identified areas where additional reporting on crimes would be beneficial. One recommendation of the task force is to collect detailed incident data on offenses against particular groups such as children or the elderly. I have for the select committee a copy of the task force report.

Upon Department of Justice approval and with congressional funding, the blueprint for changes will be implemented. If you have any questions about the current Uniform Crime Reports Program or the proposed program, I would be glad to forward them to the appropriate FBI official to prepare a written response for the select committee and this is the task force report. I think one of the things that everybody here today will agree is we need better and more accurate data concerning the nature and the scope of sexual abuse and exploitation of children.

This concludes my remarks. I would be glad to answer any questions that anybody on the Committee has.

[COMMITTEE NOTE.—Report entitled "Blueprint for the Future of the Uniform Crime Reporting Program" from the U.S. Department

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of Justice, Bureau of Justice Statistics, Federal Bureau of Investigation, is retained in committee files.]

[Prepared statement of Kenneth V. Lanning follows:]

PREPARED STATEMENT OF SPECIAL AGENT KENNETH V. LANNING, BEHAVIORAL SCIENCE UNIT, TRAINING DIVISION, FEDERAL BUREAU OF INVESTIGATION

I am Special Agent Kenneth V. Lanning, a member of the Behavioral Science Unit of the FBI's Training Division. I am here today at the request of the select committee to provide information concerning the law enforcement perspective of the problem of child victims of exploitation.

As used in this statement, sexual exploitation of children is a term to describe the sexual victimization of children involved in child pornography, child sex rings, and child prostitution. A pedophile is technically an individual with a sexual preference for prepubertal children. However, in general or in law enforcement usage, it refers to anyone whose erotic imagery and sexual fantasies center around children of any age. Although not all child molesters are pedophiles, offenders involved in child pornography and child sex rings are predominantly pedophiles. A variety of individuals may sexually abuse children, but pedophiles are the primary sexual exploiters of children.

Contrary to lingering myths, the pedophile child molester is usually neither a stranger nor a dirty old man in a wrinkled raincoat with a bag of candy. He typically knows his victims, is not dirty or old, and he dresses and looks like everyone else. He typically nonviolently seduces children that he has befriended through the use of adult authority, attention, affection and bribes. The pedophile is skilled at recongizing and then temporarily filling the emotional and physical needs of children. He is usually willing to spend as much time as it takes to seduce the targeted child.

Although almost any child molester might be capable of violence or even murder to avoid identification, pedophile-type child molesters rarely abduct children. Most of the sexually motivated child abductions and murders profiled and assessed by the FBI's Behavioral Science Unit have involved situational type child molesters who seem to select child victims primarily because they are vulnerable prey. In addition, some child abductors are motivated by reasons other than a sexual interest in children. Children are sometimes abducted by emotionally disturbed individuals seeking a child to fill a perceived void in their life. Other child abductors are motivated by monetary profit.

Some pedophiles gain access to children by looking for women who already have children who meet their age and gender preferences. Their marriages usually last only as long as there are children in the victim preference range. In today's more liberal society, such offenders frequently no longer marry the woman but simply move in with her and her children. On some occasions they merely befriend the mother and do not even pretend a romantic interest in her but only express a desire to be a "father figure" for her children. Another technique is to marry a woman and adopt children or take in foster children. The last and least desirable technique for the pedophile child molester who uses marriage or women to gain access to children is to have his own children. This is the least desirable method because it requires the offender to have sex with his wife and because there are few guarantees that the baby born will be of the preferred sex. Adult sexual relations are more difficult for some pedophiles than for others.

Other pedophiles gain access to children simply by using their status as a "nice" man in the neighborhood who likes to have kids at his house. He is more than willing to babysit the neighborhood kids and he is especially willing to take them on weekend or overnight trips. It is sad, but true, that there are some parents who rather than being suspicious of such individuals are apparently glad to find anyone willing to take their children off their hands for a few hours or a few days. Sometimes this may be due to factors beyond the control of the parents.

However, probably the most common method used by pedophiles to gain access to children is their occupation or vocation. A pedophile may seek employment where he will necessarily be in contact with children (teacher, camp counselor, babysitter, school bus driver, etc.) or where he can eventually specialize in dealing with children (physician, minister, photographer, social woker, police officer, etc.). The actual or alleged occupation of photographer, modeling agent or movie producer has been repeatedly used to dupe parents into allowing their children to be photographed in nude or sexually explicit poses. Pedophiles interested in adolescent children might operate a business and then hire such children as employees. Frequently the pedophile will use a vocation, hobby, or community service to gain access to children. He may become a scout leader, big brother, foster parent, little league coach, etc.

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It must be clearly and unequivocally stated that the vast majority of individuals in these occupations, vocations or hobbies are not pedophiles. The problem for society is attempting to distinguish between the vast majority sincerely interested in the welfare of children and the small minority interested in exploiting their legitimate access to children.

Investigations all over the United States by State and local police, the U.S. Postal Inspection Service, U.S. Customs, and the FBI have verified that pedophiles almost always collect child pornography and/or child erotica. Collection is a key word. It does not mean that pedophiles merely view this material. It means they save it. It comes to represent their most secret sexual fantasies. They typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audio tapes, video tapes and equipment, personal letters, diaries, sexual aids, souvenirs, etc.—all relating to children in either a sexual, scientific or social way. Not all pedophiles collect all these items. Their collections vary in size and scope. They collect this material because it fuels their sexual fantasies, validates their behavior and serves as a souvenir or momento of their relationship with a child.

Pedophiles are the primary producers and consumers of child pornography. Most children identified in child pornography were never missing children. Many are seduced into pornography by pedophiles that they know and then return home each day without their parents realizing what is happening. Some are photographed by or with the consent of their parents. Few have been abducted.

Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of and/or embarrassed about their portrayal in such material. They must deal with the permanency, longevity, and circulation of such a record of their sexual abuse. Some types of sexual activity can be repressed and hidden from public knowledge. Child victims can fantasize that some day the activity will be over and they can make a fresh start. Many children, especially adolescent boys, vehemently deny their involvement with a pedophile, but there is no denying or hiding from a sexually explicit photograph or video tape. The child in a photograph or video tape is young forever and, therefore, the material can be used over and over for years. Some children have even committed crimes in attempts to retrieve or destroy the permanent records of their molestation. Child pornography, in essence, is the permanent record of the sexual abuse of a child. It does harm in and of itself. Each time it is reproduced, sold, swapped, or traded, the molestation of a child is perpetuated again and again.

This concludes my opening remarks. I will be glad to answer any questions that you may have.

Mrs. BOGGS. We are very, very pleased with your remarks and of course your report will be made a part of the record and we are grateful to you for bringing it to our attention and look forward to having it upgraded from time to time.

We will now hear from Ms. Wagner who is the executive director of the Seattle Youth and Community Services. Welcome, Ms. Wagner.

STATEMENT OF VICTORIA WAGNER, EXECUTIVE DIRECTOR, SEATTLE YOUTH AND COMMUNITY SERVICES, SEATTLE, WA

Ms. WAGNER. Thank you, Madam Chair and members of the committee. I believe that you have had a chance to read or at least look at my prepared testimony. So rather than speaking directly from that testimony, I think I would like to talk a little more directly about some of the young people that we work with, how they get on the street, why and what happens to them.

The program that I direct, Seattle Youth and Community Services works with young people who are homeless, runaway and often involved in prostitution and other kinds of street life. I think that there are a lot of myths, both about child exploitation and about prostitution. It is much easier to talk about exploitation and look at a child that is 8, 9, 10 that still visibly looks and is identified as a child. When you start talking about adolescents that often some-

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times look like adults, and in many ways act as adults, I believe that it is easier to become calloused and often to ignore the fact that they are still undeveloped mentally and in many ways are children, and are exposed to extreme kinds of violence on our streets.

So far this morning what has been talked about is pornography. And I think that it is important to look at some of the subtler things that we as a society are doing. In the past 10 to 12 years, there has been an increasing sexualizing of children in our society. All you have to look at are some of the media ads, commercials, even catalog ads and look at the provocative way that young children and adolescents are often posed.

I believe this kind of desensitizing makes it much easier for adults to view children as appropriate sex objects. The backgrounds of the young people that we work with are varied. Again, a common I think kind of misconception, is that young people involved in prostitution are often only from lower social economic backgrounds. In fact, that is not true at all. We see kids that really run the gambit, from upper class families, middle class families, to families where perhaps the mother has been a prostitute and they have learned that kind of behavior at home.

One thing that is quite true for many of these children is they have been victimized either sexually or physically before coming to the street. The statistics that we have found in our program I believe to be very low in terms of sexual and physical abuse; those are in my testimony. Some of the research that has been done at the University of Washington looking at the same client population has found sexual abuse up to 80 percent in young men and about 70 percent in young women. It is often difficult for a child to talk about this kind of abuse, or an adolescent. It often takes a long time, and they really the need to develop trust before they can talk about the abuse.

For these young people when they come to the street, their self-image is already distorted. It is very easy for them to view themselves as nothing but a sex object and to really feel, I have had this kind of treatment, either at home, by friends, by neighbors, why should I not be on the street. For many of them, running away is often a good choice. It is really better to be leaving the environments that they are in. Ending up on the street is not a good choice.

I believe that it is very critical that there are more services nationwide so that young people who do run away have a safety net to go to where they do not end up on the street. The kind of violence and exploitation that youth on the street experience runs the gambit. And again, I think it is really easy to talk about the extreme ends of those things. I do not know how many of you saw the film "Street Wise." We worked with all of the young people in that film. I think that it was good that it was done nationally because it gave some exposure to what street life is like, however, it did not depict it to be nearly as violent.

One of the primary young men in the film kills himself at the end of the film. This is a sad reality that more and more young people are beginning to experience. We have had youth—about a month ago, we had a call from where we were housing a young man who had cut his throat while he was talking with a counselor.

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I know that some of you may have heard of the Green River Murderer, again this is probably an extreme example but his current victims are listed as being 32. He still has not been found. Because those victims have been identified as prostitutes, I know now that the FBI is involved in that, I believe that there has not been as much focus on trying to stop this as if it was another category.

I am just trying to think of how graphic I want to be with examples. We have a young woman who was stabbed seven times and left for dead and found under the viaducts. She has since left the street. This kind of thing happens on a regular basis.

Even for youth that do not experience what would be seen as the extreme forms of violence, street life in itself is a constant degradation. And it can take many, many years of extensive counseling for a young person to begin to leave some of the scars behind them that are created on the street. The kind of services that our program provides really help to bridge that gap. One of the things that we have found, and that I know other programs across the country have found, in working with these young people, is that building trust is what takes the longest. Because of their experience and their exposure to adults, they are very unwilling to trust adults. Most adults they probably view as a trick or as an exploiter or as someone who will hurt them.

When we first started an outreach program, it took approximately 8 months before young people would begin even trusting our staff enough to talk to them. We have now had a program for about 7 years and have been pretty effective. I brought an executive summary of our evaluation to be entered also into the record but it is showing that we are having approximately a 50-percent success rate. That does not sound very high, but when you look at the damage that has been done to these young people, I believe it is significant.

Some of the characteristics of these youths are that they are alienated, they are scarred developmentally. While in many ways they act and they look as 30-year-old adults, they have not learned the typical skills that they should learn growing up. They do not know how to balance a checkbook, they do not know how to look for an apartment, they do not know how to live independently and yet there are often no other resources for them. More and more, we are seeing young people who are very emotionally disturbed, often borderline psychotic. More and more, we are seeing young people who are suicidal or express suicidal ideation.

Without intervention, I am not sure what would happen to a lot of these young people. Every year, we have kids who die. A couple of years ago, we had a 15-year-old girl who was stabbed in San Francisco and dead at the hands of pimps. That is not uncommon. I have known quite a few young people who have died over the years.

I believe that it is really crucial that this committee, and nationally we start looking at the need for services for these kids. When we look at our prostitution laws, most laws label the prostitute rather than the offender. In Washington State, about 1½ years ago it was made a felony for an adult to have sex with a minor for purposes of prostitution. That is one of the few States nationwide that has done this. But without more services, without a safety net, or

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something to reach these children, I do not believe that we will stop the kind of violence that goes on in our streets.

Thank you very much.

[Prepared statement of Victoria Wagner follows:]

PREPARED STATEMENT OF VICTORIA WAGNER, DIRECTOR, SEATTLE YOUTH AND COMMUNITY SERVICES

Chairman and members of the committee. Thank you for inviting me to be here today. I have been asked to give testimony on the exploitation of youth and responses within my community to provide services for such young people. The agency that I direct, Seattle Youth and Community Services, provides a spectrum of services to young people who are runaway, homeless and often involved in prostitution and other forms of exploitation. Many of these young people have been abused, both physically and sexually prior to their involvement with the street. For these children, exploitation and abuse becomes part of their self-identity before ever experiencing the hazards of street life. For all young people who end up on the streets, victimization soon becomes a way of life. They are often forced, through economic survival, to engage in prostitution and other forms of petty crime. Through this lifestyle they soon become both victims and victimizers. Sexual abuse both through the act of prostitution and through violence and rape is often unreported or largely ignored. Exposure and violence at the hands of pimps, drug abusers and other adults who prey on youth is a common experience.

The services that we provide for young people are designed to offer a safe alternative to street life and help transition youth away from the street into a productive lifestyle and healthy environment. This is the second year of existence for the Orion Center, a multi-service program for young people on the street. Started by a Federal Demonstration Grant, this program is a collaboration of service providers designed to both maximize individual services and to provide a multiplicity of services for youth on the street. In a recent speech by the Assistant Secretary of Human Development Services, Dorcas Hardy commended Orion as a unique service provider, due at least in part to this collaborative approach. In it's first 15 months of operation, Orion served 700 individual youth. Of clients intaked into services, over half were or had been involved in prostitution. While young people come to the street for a variety of reasons, intake data on our clients has found that 26% were sexually abused and 39% had previous physical abuse histories. I know that some of you have seen the film Street Wise. This film, while not always depicting the harsh realities of life on the street, gave an overview of the kind of backgrounds of abuse and neglect that many young people come from. We have worked with almost all of the youth in this film and have seen varying ranges of success as they struggle to leave street life.

At the core of our services for young people is an outreach and counseling team. This team provides street outreach to youth six nights a week. Both short and long term counseling help young people transition away from street life. More than 17,000 units of service were provided through this component last year. A school program offering individualized instruction and survival skills helps prepare youth for re-entry into the public schools or for the GED testing. An employment program provides for referral to public and private sector employment and has received two grant awards to produce plays using youth in the program. Our health program is sponsored through the University of Washington and has a full-time health practitioner and a physician in attendance twice weekly. This program links with two free clinics for youth in the area. A nightly meal program is provided through donations from local church groups and a drop-in center encourages youth to begin to explore services. The Shelter, the original program in our agency, provides short term emergency shelter care for youth. Funded in part through Runaway Youth Act monies, this program offers a safe environment while long term resources can be developed.

Youth on the street are a tragedy both in our community and across the country. Solutions to this are complex and require long tern intervention. Research by James and Boyer at the University of Washington has demonstrated that it can take one to three years to leave a prostitution lifestyle. This exiting process is accomplished by a series of steps rather than one simple decision to leave the street. The longer that a youth is on the street, the more difficult transition becomes and the more the service needs are extensive. The Orion evaluation by Dr. Donna Schram demonstrated that length of time on the street was the most significant factor in successful termination.

I would like to give you a brief case study of one of the young people in Street Wise. While she is not a main character, she is shown several times talking with

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pimps and has both a hardened and somewhat frightened effect. I am using this particular case because I have worked with this young woman closely over the past two years and she demonstrates both the difficulties of leaving the streets and the successes that are possible. When she first came to the street she was 11. Her mother and father had divorced when she was young and her mother remarried a few years earlier. She reported ongoing problems with her stepfather including abuse. Street life for her involved both prostitution, drug and alcohol use and several psychiatric hospitalizations for suicide attempts. When I met her she was a little over sixteen. After a year of extensive work with our program, she agreed to go into a group placement that we were able to arrange in Denver, Colorado. One of the unfortunate realities in Washington state is that there are very few long-term placements available or appropriate for youth leaving the street. During the period that we worked with her prior to placement, she was in and out of emergency and short-term care and had one hospitalization. She was heavily involved in substance abuse including, for a period of time, heroin. She remained in placement for approximately nine months during which I corresponded with her and was able to visit with her once. On returning to Seattle, she reconnected with our services and is close to completing her GED. She has turned 18, has recently married and has had a baby. While there is no guarantee that she will not return to street life, she has been successful in staying away from the streets for some time. There is no time to go into all of the details of her case, however it is a typical example of the need for multiple services.

In our agency plans for the upcoming year we will further address this need. A primary goal is to develop a long term resource within our community for youth who wish to leave the street. As part of this goal, we will be applying for OHDS Discretionary funds in collaboration with several other providers to franchise The Bridge in Boston's long-term program for youth.

The hazards and exploitation young people, often barely out of childhood, face on our streets is severe. In addition to violence suffered at the hands of others, violence to themselves is becoming a common thread. Suicide among adolescents is a phenomena that is increasing in startling proportions. As the Assistant Secretary recently commented, for many of our youth this is becoming the ultimate conclusion. In a time of limited and overburdened resources, it is critical to maximize the resources that have been proven to be effective. Studies have found repeatedly that for these young people coersive treatment does not work. Programs that reach out to youth where they are and provide services that offer safety and security are essential for a young person to leave the street. Closer work between the Office of Human Development and the Office of Juvenile Justice and Delinquency Prevention would make better use of what have become strained and overburdened resources. This committee can play a vital role in future planning for this.

This committee's awareness and concern both for the exploitation that young people on the streets face and the service needs of youth is critical. In the past decade we have seen a growing trend to sexualize children in our soceity. This is readily visible in our mass media advertising. Prostitution and sexual exploitation of young people is only one result from this trend. An awareness on the part of policy makers is a beginning step to stop the violence in victimization that youth experience. Coupled with this awareness, knowledge of the service gaps and the services that have been demonstrated to be effective can begin rebuilding a society for our young people that is safe and free of exploitation.

Mrs. BOGGS. Thank you very much and your written testimony as well will be made a part of the record. We are very grateful for your testimony and we will indeed be coming back for some questions. We will now hear from Michael Jupp who is the executive director of the Defense for Children International—U.S.A.

STATEMENT OF MICHAEL JUPP, EXECUTIVE DIRECTOR, DEFENSE FOR CHILDREN INTERNATIONAL, U.S.A., BROOKLYN, NY

Mr. JUPP. Madam Chairperson, members of the task force, first, thank you very much indeed on behalf of our organization for inviting us to testify before you today. The issue that we are discussing, the commercial sexual exploitation of children, is an extremely distasteful one. And, in our opinion, it is one that has still not re-

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ceived the attention it deserves. We sincerely hope that these hearings mark a courageous beginning to an attempt to alleviate at least some of the suffering and pain felt by these abused children throughout the world.

My own organization, Defense for Children International, U.S.A., is part of an international child advocacy group with members and affiliates in over 80 countries. The commercial sexual exploitation of children has been a matter of major concern since the organization's inception in 1979. It is one of the initiatives arising from the International Year of the Child. We have published several papers on this subject on behalf of the United Nations Childrens Fund and the United States chapter has recently submitted an international plan for action for consideration by the UNICEF executive board in April next year.

There is absolutely no doubt in our minds that this form of exploitation of children contains all of the worst elements of human rights violations. It is an issue that involves torture, the purchase and sale of children, the incarceration of children so that others may make a profit, the premeditated rape and mutilation of children and often the death of the children concerned.

The commercial sexual and exploitation of children is an act of total denigration of another human being, and it is probably the last vestige of wholesale slavery left on this Earth. In a letter from Congressman Miller, we were asked to discuss two points. The first is the link between the different kinds of sexual exploitation, and the second, is some of the barriers to the enforcement of laws prohibiting it. We will do our best, Madam.

In support of the evidence, I submit two documents. One is a copy of our magazine, which I believe that you have, and the second is an article called the Commercialization of Child Sex that was published this year by Dr. Dan Campagna from Appalachia State University. First, the links between the different kind of sexual exploitation. When we gave evidence before this matter to the U.S. Senate about a year ago, we tended to emphasize the effect of child prostitution and sex-tourism industry on children in developing countries, mainly in Thailand and the Philippines.

We regret to report that this trade still continues unabated. Children sometimes as young as 8 are still being sold by impoverished families to recruiters who divert these children from promised jobs as house servants into the brothels and bordellos of the major cities and tourist resorts in those countries.

While we have some idea of the size, scope, and horrors of this trade, it is still the subject of investigation. I am pleased to announce that our organization has just received a grant from the American Methodist Women's Call to Prayer to continue our investigation into this outside of the United States. One particular case, just to illustrate some of the problems internationally, has come to our attention again by the Methodist Women's Call to Prayer. It concerns the shipment of 20 teenage girls from the Dominican Republic to Curacao for the purposes of prostitution. The children were shipped in a wooden crate. Apparently, this crate was badly stowed, and when the crate was opened at the other end, the children were found suffocated.

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We cannot overemphasize some of the horrors of this trade in children. Children purchased or stolen from their families, child prostitutes chained to their beds, child prostitutes with numbers tattooed on their chests and sold by catalog, children beaten, children tortured, children drugged with narcotics, children kept in total abject slavery.

What we also cannot ignore, Madam Chairperson, is that Americans are involved in this trade both in this country and outside of this country. Americans are among those who take advantage of the sex package tours to places like Thailand and the Philippines. We also cannot ignore our responsibility for what we did to some of these countries when we set up the recreation and rest centers as part of the Vietnam war effort. Part of that remains and people who return to the Philippines, Americans who are working over there on jobs like the Peace Corps, working for some of the big private voluntary organizations that are working there will say that the rate of child prostitution in the area of Subic Bay Navy Base and Clark Air Force Base, is much higher than elsewhere. And I think that we can only accept some responsibility for that. Part of it lies with other governments, but some of it lies well and truly with us.

When we spoke last year, our evidence before the U.S. Senate was to a large extent based on evidence within the files of our organization in Geneva. We were relatively new in this country then. Although we had begun some investigations, research was far from complete. I will say that it still is far from complete. And perhaps the one certain thing is that the more we delve into this subject, the more we realize how little we as an organization and the profession generally knows about this subject. Over the past year, we have been in close and frequent contact with about a dozen police forces throughout the country as well as with several interested local and network TV stations. And we must thank some of these for the help and resources that they have given to us.

The picture that emerges within this country almost equals the horrors of the stories from East Asia. Stories are coming to our attention of young children being sold by their parents to city pimps; young children being prostituted by their own parents themselves. One story that came to our attention recently is of a 9-year-old girl, who after being abused by her father, was hired out to a local pimp in repayment of a loan.

Another story is told of a 12-year-old girl who was forced at knife point to serve six men at one time. There is also a growing suspicion that there are chains of brothels and bordellos which specialize in offering the services of children and where children are kept like their Asian counterparts under lock and key. Some of the information that we received on this has been passed on to the authorities. It was passed on nearly a year ago; we have no idea of what the outcome of that investigation is.

We cannot deny that some teenagers might make a rational, economic choice to take up prostitution. One cannot deny that, but we believe that this is probably a minority.

There appears to be an increasing amount of evidence that suggests that many of the children concerned were abused within their family prior to taking up this way of life. Many of the chil-

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dren concerned are runaways, which is the current euphemism for homeless children. Let us not forget that.

Independent living schemes for homeless children are virtually nonexistent in the United States. And quite honestly, the United States falls way behind most Western industrialized countries in the provision of independent living schemes for adolescents. Many adolescents leave home for good reason; and I think that if their parents are no longer supporting them, it has to be the State that does so until they reach the level of maturity and they can really live independently in a free, economic life.

At the moment we are bad, this country is really bad, on providing independent living schemes. In many of the conversations we have had over the past year with fellow professionals in this field and with many of the child victims, we find that the children who are prostitutes will often speak of being asked to pose for dirty pictures. And I am sure that many other people who will testify before this will say that pedophiles who prey on young children often have large indexed, sorted quantities of photographs. Officer Lanning has said that.

These photographs are frequently taken either with a sophisticated 35 mm, a Brownie, a Polaroid or an expensive video camera. Child pornography in our opinion is the beginning, the end, and a byproduct of both child prostitution and pedophilia. We need to understand what child pornography really is. I agree whole heartedly with Officer Lanning—it is not some form of youthful or juvenile erotica, but it is the pictorial history of the rape, abuse, mutilation, and assault of a child.

This is not an issue of morality. This is a pictorial representation of a crime. All the people who purchase child pornography must be a part of the responsibility for this actual assault. And all those who traffic in the material, in my opinion, are as culpable as the original perpetrator of the crime.

Pedophiles, as has been stated already, frequently have large supplies of child pornography. They appear to keep it for three reasons. One is for their own personal satisfaction. The second, and this is important, is to use in the seduction process of an uninitiated child. The pictures can be used to demonstrate the necessary process. They may be used to offer some form of legitimacy to the requests that are being made of the child; and, in some instances by taking photographs, you can actually reward the child for the act that is being committed. And also what we cannot forget is that, in some instances, photographing the act is a blackmail tool to be used against the child and to insure the child's silence at a later date. And the third reason is that child pornography is a medium of exchange amongst pedophiles. And that medium of exchange takes place both nationally and internationally.

This has been well documented by U.S. Customs and by the U.S. Postal Services, and I see no need to say any more about that except that we should not be blaming just the Europeans for the production of child pornography. Much of the material that comes back to this country in the glossy magazines from Europe and also from East Asia contains home photographs of America children. There is a growing trade in magazines from East Asia which I be-

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lieve is not being intercepted by Customs at the moment. That is my understanding.

But much of the stuff that is coming back from Europe contains photographs that were taken by pedophiles in this country that, through the international networks, have gone to Europe where they are reprocessed and then returned. And I think what we also need to understand is that many of the European magazines and a lot of the American Newsletters which address pedophilia also advertise the sex tourism packages that go to countries like Thailand, Philippines and increasingly parts of West Africa, Central and Southern America.

One gets the picture of American tourists going to other countries to photograph enslaved child prostitutes. Those photographs are being produced in European magazines that come back to the United States. They are used to seduce more children in the United States. These children are more likely to become prostitutes. And the whole thing is cyclical. And to attempt to address it at just one part, I think is wrong. I think one needs to take a broad overall picture and look at the matter as a whole.

Madam, there are many, many barriers to enforcement, and one of them is the sheer size of it. The most authentic figure that I am aware of on the number of juvenile street prostitutes in the United States is one Dr. Dan Campagna produced, which was based on a survey, I think, of some 500 police forces which estimates about 200,000 street child prostitutes. That number excludes prostitutes working or children being sexually victimized within closed rings or children who work from some of the sheltered bordellos. What the real number is, we do not know; and, quite honestly, I defy anybody to come up with an accurate number.

The very nature, I think, of the sex act itself, which is generally done in private, makes it very difficult to research. But, what I think disturbs me very much is that there are large numbers of kids who openly display themselves on street corners in many of the cities of this country and very, very little action is being taken about it. This one really disturbs me because it is so open and obvious. And I am sure that all of us in our own cities know where it is. I understand in Washington, DC, it is 14th Street, you will find young teenage children on occasions.

I know that in New York, there is much talk about 42d Street. But again, I think the reality of 42d Street to some extent has been cleaned up by heavy police presence, and that is most welcome. But that does not stop the trade; that merely moves it somewhere else. And you can now go off at 11 o'clock to 33d Street or you could go down to the Lower East Side in New York, and you will find child prostitutes there. And what upsets me when I look at this is that you will see child prostitutes there on the street corner and you will see the cop standing, ignoring the whole transaction.

The New York City Runaway Unit estimates between 400 and 500 kids working the streets of New York City on any one day. I think that this is probably an underestimate. I do not think that unit works the outer boroughs. And to say that there is no child prostitution in Brooklyn with a population of 2,225,000 is ridiculous. If we accept their figure of 400 to 500, and if we accept Dr. Dan Campagna's research that a good street child prostitute will

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turn at least three tricks a day, and if we accept the presumption that to have sex with a child under the age of consent is a crime, that means it is probably something like 435,000 cases of commercial sex exploitation of children in Manhattan each year. That is one city.

It is really big, big, big business. How much is involved? Again, we do not know. Dan Campagna, you will see his article in here, using a relatively sophisticated formula reckons that the minimum amount is about $2 billion a year just for child prostitution.

Madame, I am conscious that I have spoken well over my time. There is more of this concern in here but basically to us, the issue is two things. One, is that we have got to start changing attitudes. All children involved in sexual exploitation are victims. And this includes the ugly, noisy, brash, tattooed 15-year-old on 42d Street as well as the innocent 2 year old.

As the lady on my right has said, they are definitely all victims. And I think the second thing that we really need to say is that legislation, while good, all it does really is fine-tune some of the problems. We can pass all the legislation in the world, but the reality is is that legislation does not protect children. It is people, it is social workers, police officers on the street and good programs that protect children. Legislation merely helps us do it. But program enforcement requires money and requires the allocation of resources. If we really care for children, we must allocate resources not only in this country but also through our international connections as well. Thank you, Madam.

[Prepared statement of Michael Jupp follows:]

PREPARED STATEMENT OF MICHAEL JUPP, EXECUTIVE DIRECTOR, DEFENSE FOR CHILDREN INTERNATIONAL-USA, BROOKLYN, NY

Madam Chairperson and Members of the Task Force, first, on behalf of our organization, Defense for Chidren International-USA, may I thank you for the opportunity of testifying before you today. The issue that we are discussing—the sexual exploitation of children—is an extremely distasteful one. It is one that has still not received the attention it deserves, and we sincerely hope that these hearings mark a courageous beginning to an attempt to alleviate at least some of the suffering and pain felt by these abused children throughout the world.

My own organization, Defense for Children International-USA, is part of an international child advocacy group with members and affiliates in over 80 countries. Founded as one of the initiatives of the International Year of the Child, our mission is to examine and publicize human rights violations of children. I act as the Executive Director of DCI-USA, the American Chapter of this movement and also as the United Nations Representative in New York for the movement as a whole.

The commercial sexual exploitation of children has been a matter of major concern since the organization's inception. It has been the subject of many articles written by our headquarters in Geneva. We have published several papers on the subject on behalf of UNICEF, and the USA Chapter has recently submitted an international plan for action for consideration by the UNICEF Executive Board.

There is absolutely no doubt in our minds that this form of exploitation of children contains all of the worst elements of human rights violations. It is an issue that involves torture, the purchase and sale of children, the incarceration of children so that others may make a profit, the premeditated rape and mutilation of children and, often, the death of the child concerned.

The commercial sexual exploitation of children is an act of total denigration of another human being. It is probably the last vestige of wholesale slavery left on this earth.

In the letter from Congressman Miller inviting us to give testimony before this Task Force, we were asked to concentrate on two aspects of this subject: first, the links between different kinds of sexual exploitation and second, the barriers to the

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enforcement of laws prohibiting sexual exploitation. All of this in ten minutes. We will do our best.

In support of this evidence, we will submit two documents. The first is a copy of our magazine, The International Children's Right Monitor, Vol. 2, No. 1, which contains three pertinent articles. One is a summary of evidence given by DCI-USA before the US Senate in November 1984; the second is an article by Professor Doek on Child Pornography Legislation in the Netherlands; and the third is an article entitled "The Economics of Juvenile Prostitution in the USA". The second document is "the Commercialization of Child-Sex", an article prepared earlier this year for inclusion in the book, Sexual Exploitation of Children—A Resource Manual, by Dr. Dan Campagna.

THE LINKS BETWEEN DIFFERENT KINDS OF SEXUAL EXPLOITATION

In our evidence before the U.S. Senate, we tended to emphasize the effect of child prostitution and the sex-tourism industry on children in developing countries—mainly in Thailand and the Philippines—and we regret to have to report that this trade appears to continue unabated. Children, sometimes as young as eight, are still being sold by impoverished families to recruiters who divert these children from promised jobs as house-servants into the brothels and bordellos of the major cities and tourist resorts.

While we have some idea of the size, scope and horrors of this trade, it is still the subject of investigation, and I am pleased to announce that the American Methodist Women's Call to Prayer has provided us with a small grant in order that we might attend a conference to be held in Kuala Lumpur in December, when we hope to initiate an international network of people concerned with stopping this part of the international trade in the sexual abuse of children.

One particularly horrific case that has come to our attention recently concerns the shipment of 20 teenage girls from the Dominican Republic to Curacao for the purposes of prostitution. The children were shipped in a wooden crate; on arrival the crate was opened and the children found suffocated.

We cannot over-emphasize some of the horrors of this trade in children—children purchased or stolen from their families, child-prostitutes chained to their beds, child prostitutes with numbers tattooed on their chests and sold by catalogue, children beaten, children tortured, children drugged, children kept in total, abject slavery.

We also cannot ignore that Americans are involved in this trade. Americans are among those who take advantage of the sex package tours to these countries. One researcher states that she knows of four tourist agencies in this country that advertise them. We know of at least four European tour agencies that offer this service.

Our evidence before the Senate was, to a large extent, based upon the files held by our European headquarters. At that stage our organization was relatively new in the United States, and although we had begun some investigations here, our research was far from complete.

It still is far from complete. And perhaps the one certain thing is that the more we delve into this subject, the more we realize how little we know. Over the past year we have been in close and frequent contact with about a dozen police departments throughout the country, as well as with several local and network TV stations who are showing an interest in this subject.

The picture that is emerging almost equals the horrors of the stories from East Asia. Stories are coming to our attention of young children being sold by their parents to city pimps, young children being prostituted by their parents, themselves. One such story is told of a nine-year-old girl who, after being abused by her father, was "hired" to a local pimp in repayment of a loan. Another story is told of a twelve-year-old girl who was forced, at knife point, to service six men at one time.

There is also growing evidence of chains of brothels and bordellos which specialize in offering the services of children and where children are kept, like their Asian counterparts, under lock and key.

While we cannot deny that some teenagers might make a rational, economic choice to take up prostitution, we believe that they are probably in the minority. There appears to be an increasing amount of evidence that suggests that many of the children concerned were abused within their family prior to taking up this way of life. Many of the children concerned are "runaways", the current euphemism for homeless but emancipated teenagers. Independent living schemes for these children are virtually non-existent in the U.S. In terms of the per capita number of units available, this country falls way behind the industrialized countries of Western Europe. Children who may have made very wise choices when they left home, espe-

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cially but not exclusively girls, are left with very little alternative but to turn to prostitution.

In many of the conversations we have had over the past year with fellow professionals in this field, as well as with some of the child victims themselves, we find that the children will often speak of being asked to pose for "dirty pictures". And, as I am sure others will testify before this hearing, those pedophiles who prey on really young children will often have large, indexed, sorted quantities of photographs that they have taken themselves—either with a sophisticated 35 mm camera, a Brownie, a Polaroid, or an expensive video-camera—of their conquests.

Child pornography is the beginning, the end and a by-product of both child-prostitution and pedophilia. We need to ensure that others understand child-pornography for what it really is. It is not some form of youthful or juvenile erotica, but it is the pictorial history of the rape, abuse, mutilation and assault of a child. It matters not that the child concerned is American British, Dutch or Thai. All people who purchase child pornography bear part of the responsibility for the actual assault. Those who traffic in this material are as culpable as the original perpetrator.

Pedophiles, as we have stated already, frequently have large supplies of child pornography. They appear to keep it for three reasons. One is for their own personal satisfaction. The second is to use in the seduction process of an uninitiated child—the pictures can be used to demonstrate the process, to offer a legitimacy to the initial request, as a reward, and in many instances as a form of blackmail to ensure that the child remains silent. The third is as a medium of exchange between themselves and other pedophiles.

That this exchange takes place between nations has been well-documented by the US Customs service and other agencies. There is no need to go into this aspect further except to say that the home photographs of many American children have been seen in the glossy, European-produced magazines that are circulated in the United States.

What also needs to be said is that several of the publishers of these magazines also advertise the sex tours in the developing nations, where American "tourists" may take further pictures of enslaved child-prostitutes, which will be used to seduce more American children, who will be more likely to enter a life of prostitution and so on. The cycle is complete.

BARRIERS TO THE ENFORCEMENT OF LAWS PROHIBITING SEXUAL EXPLOITATION

There are several barriers to the proper enforcement of the laws that protect children. The most obvious is that we just don't know enough about the problem. There are few authoritative studies that really get to the heart of the problem. We do not know, precisely, how many children are exploited every year, although we do know that the number is very large. And we do not know the operational details surrounding the vast underground network of kiddie brothels and child trafficking rings, although we have been told that they exist, and, in some instances, we believe that we know where. In short, we know enough to be horrified, but not quite enough to do anything concrete about it. And no one, not the Congress, not the Executive, not the Judiciary, not private foundations, nor law enforcement at any level has committed the resources necessary to increase our base of knowledge to combat the problem.

This is a tragedy of real proportions. We know, for instance, that at least 200,000 child prostitutes are working the streets of the United States today, many of them under the ruthless control of pimps, unable to escape a life of interminable physical and emotional torture. And this figure of 200,000—the most authentic in our opinion—does not include casual child prostitutes, those who work from the protected bordellos or those who work in the closed, sexual exploitation rings.

The very nature of the sexual act means that it is, generally, done in private or only in the view of fellow conspirators. In many instances, the very secretive nature of the act makes it difficult to investigate. But, in so many of these cases, the children are openly displaying themselves in the full view of the public. Ask any cop; he will tell you where the kids hang out and why they are there. I believe that in Washington DC it is on 14th Street. I've seen them, and I suspect that many of us in this room have seen them. I suspect there are other places as well. I expect that any local taxi driver would take us there if we asked.

We know that child prostitutes are not easy to deal with, but model programs do exist, and they could be replicated if we wanted them to be.

Given the fact that we know the problem is severe and vast, the question must be asked—why have we ignored it for so long? Why does the entire New York State Police have a child sex crime unit of only two officers? These officers recognize the

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serious nature of the problem but have been unable to obtain more manpower and resources. Why does the FBI, with all of its resources, have only a handful of specially-trained agents capable of effectively investigating and dealing with this problem? Special Agent Ken Lanning is known throughout the nation for his expertise and commitment, but the fact remains that he, and the few other agents he has trained, simply cannot hope to make a dent in a problem of this magnitude. These are but two examples—it is a problem we have witnessed in virtually every law enforcement agency we have talked to.

We do know of one southwestern police department which, in an attempt to define the scope of the problem in its area, issued an advertisement for a phony, new child-porn magazine. Within weeks, the police received more than 40,000 requests for subscriptions. But as they pressed the investigation forward, using computers and other resources in an attempt to identify primary suppliers and ringleaders, their funding was cut off. It was said that funding was required for "other departmental priorities". I have met one policeman from South Carolina, who, with his partner, uncovered one of the nastiest sex rings yet discovered. They were allowed one week to complete the investigation. They continued on their own time, without pay and without expenses.

The fact is that the investigation of child-sex conspiracies is a highly-specialized job that requires training, dedication and manpower. By their very nature, small rural or surburban police forces do not have these resources. Is it possible that on occasions petty jurisdictional jealousies prevent proper investigation?

Another problem is sheer size. The New York City Runaway Unit estimates that there are between 400 and 500 kids working the streets everyday. This is probably an underestimate, as I do not believe that the Unit Works any of the outer boroughs. But, even if we accept this figure, and allow the children concerned three tricks a day, this represents 435,000 cases of commercial sexual exploitation each year. Yet the New York State Register on Child Abuse and Neglect indicates that in 1984 only 165 cases of out-of-home child sex abuse were reported.

Even when cases do get to court, we have seen the wheels of justice move slowly, and in the end, the punishments are often too lenient. We appreciate the difficulties faced by District Attorneys who are concerned about putting a child witness on the stand. But are we covering up bad prosecuting practices and inefficient investigating standards with this as a excuse? I have heard of one case where a man charged with 50 felony courts eventually plea bargained them down to a single Class A misdemeanor.

Again we ask why. Why are our institutions, at all levels, unable to act and deal with the problem? We do not believe the answer lies in malicious intent or willful neglect (although we cannot ignore the fact that some policemen and politicians may be involved in the trade themselves). We believe that the fundamental answer lies in one word: priority. Until today, decision makers, the general public, police departments, the courts and even the US Congress have not dealt with this as a priority issue to which resources should be committed. My understanding is that the commercial sexual exploitation of children does not, currently, come under the responsibilities of the Department of Health and Human Services.

We are often asked if additional legislation is needed in this area. Quite frankly, I do not believe that it really is. There are several proposals before Congress now that will help people in the field to fine-tune investigations, and we would urge you to support them. There are proposals to place a variety of crimes under the RICO statutes, proposls to reform the witness procedures faced by children, proposals to investigate computer billboards. These are all good statutes, but please do not think that by passing these we will solve the problem. In fact, to pass them may bring on a level of complacency that we do not need.

What is needed are two things. First, there must be a change of attitude on the part of all of us involved with these children. They are all victims—the ugly, noisy, brash, uncouth, 15-year-old who stands on the corner of 42nd Street, as well as the innocent two-year-old. Second, there must be an allocation of additional resources.

Mrs. BOGGS. Thank you very much, Mr. Jupp. We have been joined by our colleague Mr. Monson of Utah and we would be very happy to have a statement from you if you would like to have one at this time.

Mr. MONSON. Madam Chairman, thank you very much. I do have a prepared statement that I believe the gentleman from Indiana, Mr. Coats, the ranking member submitted to the record. Is that correct?

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Mrs. BOGGS. Yes, it is.

Mr. MONSON. And I will just have that serve as my statement. Thank you.

Mrs. BOGGS. Thank you very much. And we have also been joined I am happy to say by Mr. Bliley.

Mr. BLILEY. Thank you, Madam Chairman. My statement has already been made a part of the record and I will not prolong the hearing by reading it.

Mrs. BOGGS. Thank you very much. We would now like to use the very splendid testimony and evidences of expert knowledge and interest in this subject of the people who have come before us by having the panel ask some questions of you. Mr. Coats.

Mr. COATS. Thank you, Madam Chairman. Mr. Lanning, I want to pursue a couple lines of questions with you. You described a profile for the pedophile different from the commercial exploiter. The pedophile is an entirely different type of person, with different motives, different background, and different ways which he treats the children. As such, do you feel that we should have statutes and laws that discriminate between the two and provide different remedies for dealing with these two types of offenders? If so, what kinds of different remedies should we be looking at?

Mr. LANNING. OK, let me just try to elaborate a little bit and explain a little bit further. First of all, all pedophiles do not operate in exactly the way I described. I have just found that that is the way they typically operate. Pedophilia is a sexual preference for children. A pedophile is an individual who has a sexual preference for children. He would prefer to have sex with a child rather than an adult. Pedophile personality characteristics can range from almost saintly to the most evil, disgusting monster on the face of the Earth.

Some pedophiles are violent, vicious people who break all kinds of laws, have sadistic tendencies, hurt and injure children. Other pedophiles seduce children and emotionally and psychologically injure children. So pedophiles do run the whole spectrum. However, what I have found is that the typical pedophile seduces children in a way I described in my statement.

Now, individuals who take advantage for example of child prostitutes, particularly teenage prostitutes may or may not be pedophile. For law enforcement purposes, we often don't care whether they are or are not pedophiles. Some of them are pedophiles, some of them are not pedophiles. Not every individual who sexually molests a child is in fact a pedophile.

I certainly think for purposes of analyzing the problem and understanding the problem, we need to differentiate between individuals who are abducting children and torturing them and murdering them, individuals who use the services of teenage prostitutes and individuals who are seducing kids in much more subtle ways. These problems are interrelated but to a certain degree they are separate. And I think we need to look at them and stop lumping them all together into one big hodge podge and then using all these emotional examples and getting people all confused. I think they do need to be separated.

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Whether we need to have separate laws, I do not know whether that is necessary but I do think that the people dealing with the problem need to understand the different aspects of it.

Mr. COATS. I wonder if I could pursue with you and also Mrs. Wagner the question of the influence of the industry—both the illegal and the legal industry. You both eluded to it encouraging child sexual exploitation. Is the industry just catering to a need, a desire that is already out there, or is it in fact also creating and developing through subtle advertising a desensitizing society to these kinds of things?

Mr. LANNING. My opinion is, and it is not being evasive, it is a little bit of both. I personally believe that you do not have a happy, well adjusted person sitting at home and he suddenly reads one of these ads and says, gee, "I got to go out and molest a child." But, I also believe that this kind of material can in fact fuel preexisting problems and fantasies and so on. It is also important to understand that what was eluded to earlier, this sexualization of children in advertising might be something which might encourage what I refer to as the situational child molester to begin to view young children as legitimate sexual objects. But it would not be the kind of thing that would in fact turn on a pedophile because a pedophile is attracted to the child-like qualities of the child. A true pedophile interested in prepubescent children would be turned off by a child portrayed as a sexy adult.

But again, the problem is that not all child molesters are in fact pedophiles.

Mr. COATS. Go ahead, Ms. Wagner.

Ms. WAGNER. I am really glad that you made those points and I think it is important when you start looking at many of the users of juvenile prostitutes to have that kind of differentiation. I think part of why the laws against users tend to be vague and often not enforced is because the standard profile of a trick tends to be a middle-aged, middle-class family man with a family and often with an influential background. It is not the kind of person that ordinarily would easily be arrested.

In terms of the attitudinal influences, I agree again and I think they go beyond even just some of the advertising I talked about. If you look at some of our softcore porn like Playboy, Penthouse, some of which is widely read and fairly accepted, many of their models in the last few years have been depicted as children. So, I think it is a subtle attitudinal kind of trend that really does shaping that children can be used as sex objects, and there is nothing wrong with it.

Mr. LANNING. One thing I would like to add and again I want you to understand why I am saying this. If you are talking about an individual exchanging money and engaging in an impersonal sexual act with somebody, although there are certain legal differences and emotional differences, there is not a whole lot of physical difference between a 15-year-old and a 20-year-old girl. If the individual simply says, here is x number of dollars and engages in a sexual act, physically, those two people are the same. Emotionally, and psychologically, they are very different but you generally find that there is very little conversation going on there, it is just a sexual act. If that man had to spend the entire day with that 15-

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year-old girl in an effort to seduce her that night when he took her home, he probably would not make it through the day. He could not stand to talk to this 15-year-old girl for the day. But if it is simply, here is some money, lie down and have sex, physically, she is exactly the same as a 20 year old, legally, certainly there is a big difference.

Mr. COATS. I have before me, Mr. Lanning, the Bureau of Justice statistics report that the Department of Justice publishes, and I am sure you are familiar with this report. For this study of four States on offense and offender characteristics and the amount of prosecutions per 100 arrests, it indicates that in sexual assaults on child victims, of all the reported cases, 90 percent are prosecuted. But only 65 percent result in convictions—this is for every 100 arrests now—90 percent are prosecuted, 65 percent result in convictions and only 13 percent are incarcerated for more than 1 year.

Now given the depth of the problem and the impact on the child, how do you explain this tremendous fall off between the number convicted and the number incarcerated? What happens to all the rest of these people and——

Mr. LANNING. Are you talking about prostitution only?

Mr. COATS. No, I am talking about——

Mr. LANNING. All sex crimes against children?

Mr. COATS. Sex crimes against children.

Mr. LANNING. The way I explain it very simply is, children do not vote and they do not have any money. That is the way I explain it because I think that there is not a person in this room who in the abstract, would not condemn the sexual use and abuse of children. The fact remains is when we start to look at individual cases, suddenly other attitudes begin to emerge. There is a certain amount of denial that this goes on. People do not want to face this. For example the movie was mentioned earlier, "Street Wise." People who watch a movie such as "Adam" on television are outraged and upset, but it is very clear who they are outraged and upset by. It is a good little boy abducted by an evil monster and a terrible thing happened to him.

You watch a movie like, "Street Wise" and you are upset and outraged, but what are you upset and outraged about? You are upset and outraged about poverty, discrimination, social inequality, cycles of abuse, vague kinds of things that are difficult to pin down. So we have in many of these cases individuals who are arrested and then portrayed in court as a "nice guy." Character witnesses come [illegible] and testify for them. Children are portrayed as little seductresses. People want to deny that these nice people can do it. Other individuals get on the stand and testify that he is not really a criminal, he is "sick" and he needs to be treated and so on.

And so what I see over and over again, although it is changing somewhat, is the typical child molester, especially the child molester who does not use physical violence, generally gets little more than a slap on the wrist because the attitude is, well, he did not hurt the kids. And this is especially true of the seduction "nice guy pedophile."

Mr. COATS. But the category I was reading from was a sexual assault category as distinguished from other sex offenses, family offenses against the children——

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Mr. LANNING. Well, one of the issues here is the difficulties we have in our society defining what is a sexual assault. In other words, these words or these phrases can have different definitions under different statutes. Certainly, when you use the word assault, the image I agree that comes to all of our minds is in fact some kind of violence, grabbing the kid, throwing it down. But in many jurisdictions, an individual who seduces a child over a period of time with attention and affection and then has sex with the child, that is considered a sexual assault. It might also be considered a rape.

The problem is, we throw these words around, "child molestation," "sexual assault," "sexual exploitation," "sexual victimization." Nobody ever takes any time to sit down and define these terms. What exactly do you mean? What you discover is there are no universal definitions for a lot of these phrases and people talk about them, get emotionally charged and wind up mixing apples and oranges and start to deal with a multitude of problems instead of beginning to label them more properly.

Mr. JUPP. Madam, I think there is a whole host of issues that come out of this that are really important. Ken Lanning trains police officers. I do not know how many he has trained, but my guess is it is nowhere near enough. There is a whole host of problems because one, if one starts looking at—I do not know how well cases are being prepared for court. That is the bottom line because if one starts looking at some of the conspiracies that are involved in the actual prosecution, the conspiracies involved in that sex exploitation of kids, these are complex criminal conspiracies that require a high level of expertise when it comes to investigation. And it requires a high level of expertise when it comes to prosecution. But, my limited experience in this country so far indicates that it is not the top DA who prosecutes these cases; it is someone down in the DA's hierarchy who prosecutes these cases.

It is not something like a big commercial fraud squad that investigates these cases. It is frequently some spare cop who is doing it in his spare time because his chief of police has said, "We cannot waste too much time on this." Coming back to the point we made originally, we have got to start changing attitudes on this stuff. We have really got to make sure that everybody realizes how serious this is.

Mrs. BOGGS. Thank you very much. Mr. Smith.

Mr. SMITH. Thank you, Madam Chairman. In listening to the testimony of the three of you, I have to say my first reaction is shock at the information you have presented us in the written testimony and in your oral testimony. I suppose the next reaction is anger. I find a societal blame here. I really believe that we are not doing—to say not doing enough is an understatement—I do not think we are doing much of anything frankly. Congress, I was not a member of it at the time, but this Congress received literally millions of requests from lobbyists about withholding tax on interest which caused a complete reversal of something in this Congress that they intended to pass like nobody had ever seen. We have not seen that kind of outpouring from the public on children or abused children, missing children, crime against children, I want to say that I commend the three of you for coming here, and I hope that the press

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will get this word out to the American people about what is going on.

I think essentially it boils down to two things. Miss Wagner you mentioned it in terms of services for victims, there is no question, we need much more. For the parents of Adam Walsh that have to come before this Congress and literally beg for a few million dollars to set up the missing children's center is a sad commentary on America; it is a sad commentary on this Congress. We spend billions of dollars, billions of it wasted. There is nothing more important in this country than our children. It is our resource for the future, there is no excuse for it, and I am going to get to a question.

The second part of it, Mr. Lanning, you have addressed is the dealing with the perpetrators. I do not think we are doing nearly enough there. I think basically the question I would like to ask you is pretty well known—Mr. Coats' statistics bear out that only 13 percent of the people are convicted. The statistics say, and I know you will back me up on this, that the repeat offender over and over and over again abuses our children, and yet they are put back on the streets. That is our problem as a Congress. This is our problem as a society. The judges can share their responsibility; the attorneys can share their responsibility. There is enough blame to go around. But the point is, what can we do about it? Why cannot we as a society draw a line that says when you cross the line, you set the line, first offense, second offense, third offense, agree, put it out there, lay it out there. These are our children now, this is not a crime against Congressman Smith. This is not a crime against anybody else. This is a crime against a child.

At what point, when you cross that line, at what point have you sacrificed your right to become an active member of society again? Now, whether that involves incarceration, whether it involves putting you in an institution, I do not particularly care, to be honest with you. I want to know, where can we draw the line? As a Congress, where can we begin to draw these guidelines that say second offense, third offense, whatever it is but at that point, you are done, you do not get a chance to get at our kids again. And I think that is where we failed and then we can go and we can do what Miss Wagner has pointed out we can put money in there and we should put money in there to help these children and get these kids back as good members of society again, as active members and participating members of society. I want to be able to cut the faucet off while we are doing it.

I think we need to do both, and I am very serious. I would like to know why we cannot draw definitions that say that, over the line and you are through, you cannot come back into society again, rehabilitation aside, no rehabilitation, no emphasis on rehabilitation, hope for rehabilitation is worth one child being abused as far as I am concerned to the 3d, 4th, 5th, 6th and 85th or 90th or 105th offenders which is what is going on in this country today.

Mr. LANNING. Well, I agree with you. And I think that one of the things we have to understand is that not everybody who molests a child is the same kind of person. These cases must be looked at individually. We must dismiss some of the stereotypes that we have. When we look at these individuals, if the mental health, psychiat-

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ric profession tells us they are sick, fine, they are sick, maybe they are sick. Maybe they are not sick but let us accept for now they are sick. Then I believe we should view their sickness as a contagious illness and I think there is strong evidence that it is a contagious illness because although most victims do not become offenders, most offenders are former victims. And as we search for this "cure" these individuals must be quarantined. We cannot allow them to be in our society and to be in our midst and I do believe we have to draw the line.

As I said earlier, I see the two problem areas. Individuals who are physically violent against children are usually dealt with pretty harshly by the system. The two problem areas that are not dealt with harshly by the system in my opinion are the so-called nice guy seduction pedophile and the individual using the services of an adolescent prostitute. Those are the two individuals that we all can sit here and say how horrible they are and how disgusting they are and we have got to do something about it. In general, we all condemn it, but when you start to look at specific cases, suddenly we say, "gee, I know that guy, he is kind of a nice guy. I had coffee with him, he is not such a bad guy" or "that guy who used that teenage prostitute, he is really a good guy, I can understand what happened. That girl is on the street, she is selling herself or that boy is on the street selling himself. He is not totally to blame for that. How was he supposed to know? Did you see the body on that girl? How the heck was he supposed to realize she was only 16." So when you deal with the individuals who are using child prostitutes, adolescent prostitutes and seduction type child molesters and pedophiles, our society seems to refuse to say that what you are doing is a serious act. And generally, we treat these individuals as "nuisance sex offenders" the way we treat window peepers and fetish burglars and things like that, they are just kind of sick, strange people.

Mr. SMITH. We need what type of legislation you—I do not want to get into it but what type of legislation would you want from us? What do you feel we should do?

Ms. WAGNER. Can I respond to that? I do not think it is just a matter of legislation. Even though we have a law in the books in Washington State saying it is a felony to have sex with a child for purposes of prostitution, that has been on the books for a year and a half. We have had one case prosecuted. And, we have had numerous young people arrested for prostitution with adults. In that period, the adult has been let go, the child has been convicted.

Now of that one case prosecuted, the man was given community service hours, that is all. That is definitely a slap on the hand. I think it is much more a matter of awareness, of education, of really looking at our attitudes than it is simply new legislation, because without a change in the attitudes, all the laws you have are not going to make a difference.

Mr. SMITH. Well, I certainly agree with that. But, in terms of attitudes, if our attitude is that we are going to let somebody out for the 85th time to turn around and do the same thing over and over again and to put the child before a tribunal many times face to face with the perpetrator of the crime—as a matter of fact it was pointed out by the attorney general of my own State, Steve Merrill,

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who is very active in this area, that in 95 percent, maybe 100 percent of the courthouses in this country, there is no parking space for the victim.

Many times mothers have had to bring their daughters or sons in to face these people in the court come out with a ticket on their car because they had to park illegally while the trial was going on. Now that is true, that is statistical fact. But, the criminal has a place to park, he is escorted in, he has a cup of coffee and all these things and he is guarded and all other stuff, nothing for the victim. And I think this is a commentary on what our whole society is all about.

The frustration we feel here is—I agree with you 100 percent, we have got enough laws, we ought to repeal about 1 million laws, we might be better off but what can we do. Do you want us to—more awareness—I mean we are aware of it and yet it is still happening. We know that people are coming back repeating their crimes over and over and over and over again. We know they are coming back on the streets it would seem to me that it would have to be a very specific law with no latitude for the judges in these situations.

Mr. LANNING. I think one thing you do have to recognize and I am an advocate of strong laws and consider this to be a serious offense but there is one thing that we have discovered in some of the States which have passed some type of mandatory sentencing or jail time law is that sometimes it has a negative side effect in which it forces more cases to go to trail. Now, I have no problem with the cases going to trial. The only problem with that is then it forces more children, child victims, to have to testify in court.

So for example if the child molester says, "hey, whether I plead or I do not plead, I am faced with 20 years in prison, hey, I might as well give it a try, I plead not guilty, I want a trial." And then we have a criminal justice system as you described which refuses or maybe for constitutional reasons, I do not really know, finds it extremely difficult to make allowances for children in court. It seems to demand that these children be considered to be adults in little bodies and must deal with them exactly the way it would deal with them if they were adults. Although things are changing and States are trying to pass new laws to deal with this and some legislation has been introduced, the bottom line still is that in most situations forcing a child to testify in court becomes and often is a traumatic experience for that child.

I am in favor of putting these people away but one of the side effects that we have to consider and look at is the fact that it then sometimes forces more cases to go to trial which then forces the kid to get on the stand and have to testify. And if we cannot do that properly, if we cannot minimize and not perpetuate the trauma to the child, then we have some nerve dragging the kid into court.

Mr. SMITH. I have one quick followup question. Do any of you have any idea what the rehabilitation rate of these people is?

Mr. JUPP. There are two things here, sir. Which people? We can talk about the fixated pedophile that you suggest that we should lock up and throw the key away. I do not necessarily disagree with that one at all. But, we must always remember that we are also talking about a lot of relatively "ordinary people" as well.

Mr. SMITH. I understand.

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Mr. JUPP. What do we do with those?

Mr. SMITH. Well, when you know that, obviously you do know it. It becomes obvious in the testimony and in the trials and so forth or in the hearings that you have, you do find this out. What I am saying is, do you have any evidence that says the so-called nice guy, real nice guy who does this, does he do it again and again and again or when he is found out, does he stop—the so-called nice guy, the one that does not commit the violent crime?

Mr. LANNING. My experience has been that these individuals—one analogy that has been used and I, personally, do not like the analogy because alcoholism is essentially self-destructive behavior where molesting of children is much more broad based and affects a lot more people. To use that analogy which I do not like, but will use anyway, these individuals are like alcoholics. They may stop drinking, they may stop molesting children but they are still pedophiles and they still have this condition.

I think that there needs to be restrictions to insure that they no longer have access to children even if they are not in any kind of a prison system. But I think what is very important here, is to understand that these offenders are different, they are not all the same, they are not all pedophiles. And I think that some, maybe if offenders diagnosed as suffering from true pedophilia, they need to be dealt with hopefully in a quarantine or separate way, some way that they are not in society.

Other types of offenders should not be viewed that way, they should be dealt with in different ways and be given harsh sentences. As far as rehabilitation is concerned, I think that it is difficult at best to rehabilitate these individuals but again, it depends. Each case must be looked at. And I think one of the things that has been unfortunate in our society is that we have got this new word "pedophile" that 5 years ago no one ever heard of or very few of us ever heard of and suddenly now all child molesters are pedophiles, all pedophiles are child molesters. I think that the blurring of those two terms is unfortunate. We need to understand that there are different kinds of individuals, both men and women who sexually abuse children.

Mr. SMITH. It just seems to me that statistically if you cannot rehabilitate them, then, whether we, as I said before incarcerate them, institutionalize them, whatever we have to do, the main thing and I think society would say is to keep them away from our children. We are not doing that and I think we all agree on that. Thank you, Madam Chair.

Mrs. BOGGS. As chairman, I have to say that unfortunately, we are going to have to vacate these premises at a certain time and the testimony is so excellent and the questions are so probing that I hate to put any kind of a time restraint on us but I am going to have to ask the members to restrict themselves to the 5-minute rule. And we have been joined by Congressman Levin. And, would you like to make an opening statement, Mr. Levin?

Mr. LEVIN. Madam Chairman, I am sorry I missed the earlier part of the discussion. It sounds most constructive indeed and far from an opening statement, I wonder whether I should ask a question. Maybe I will just ask one and if it has been well covered then

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go on. I know we also have to take on the second panel, do we not, Madam Chair?

I think it was Mr. Lanning, right, who said that most victims do not become offenders but most offenders were victims, right?

Mr. LANNING. Yes.

Mr. LEVIN. I think you said that. And that obviously highlights the need for, in addition to more effective enforcement, more effective prevention. I do not know how much that has been covered in your discussion.

Mr. LANNING. I think I was asked to come here to represent the law enforcement perspective and that is why I would particularly like to say that certainly as was pointed out, law enforcement in general is deserving of a certain amount of criticism concerning its handling of this problem. But I would also say that law enforcement does not deserve all the blame. This is not a problem which is simply solved by law enforcement. This is a massive, large, societal problem that needs to be solved on many different fronts.

A police officer finding a teenager who ran away from home does not end the problem. What services do we have available for this child who had run away? What are we going to do with this child next and so on? So I think that a lot of the blame and criticism has been dumped on law enforcement as if, hey, if law enforcement would just try harder to find missing children, if they were to just arrest more of these individuals, the problem would go away.

It is not a problem that is simply solved by law enforcement, we have a part in it but there are other aspects in our society that need to deal with it. And, I would agree with you, we need to have other kinds of services, prevention, treatment programs for individuals who are abused and so on and so forth.

Mr. LEVIN. Thank you. Did you want to add quickly? There are some colleagues who are waiting to testify.

Mr. JUPP. I would just like to add very quickly. I agree with Officer Lanning that law enforcement is part of the problem in not resolving this, it is a lot of the problem now. But, law enforcement is not a fantasy but good programming. For some of the kids involved, one of the problems with dealing with prostitutes, child prostitutes, for example, is that you have got to have their cooperation, otherwise the program does not work. I know a good social services program that offers what these kids feel they need and there are several good model programs that do this. That is needed as well.

And I think one of the best examples is that from Louisville, KY, where what you have are multidisciplinary task forces consisting of both police officers and social workers who do the investigations followed by a good backup of both residential and community services to look after the people once the case has been investigated. That is the pattern we need to follow.

Mr. LEVIN. Thank you very much.

Mrs. BOGGS. Thank you, Mr. Levin. Mr. Wolf.

Mr. WOLF. Thank you, Madam Chair. I have a lot to say however I will not comment in lieu of the 5 minutes. I want to thank all of you for your testimony. I want to be careful what I say here because I do not want to give you a long speech. But just quickly, I

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want to know if all of you testified before the National Commission on Pornography, the new National Commission? None of you have?

Mr. LANNING. I have.

Mr. WOLF. You have.

Mr. JUPP. I am due November 20.

Mr. WOLF. Well good, and you should, too, and if you do not, I am going to send them your testimony. I think, Miss Wagner, you are really hitting an important point. It is a problem of attitude, it really is. You have this National Commission on Pornography that Attorney General Meese has appointed. It was formed to look at the impact of pornography, of child pornography and of all types of pornography. Some people are now beginning to make it appear that this National Commission is going to violate the first amendment.

The ACLU is making charges. I think that we even see the contribution of some of the magazines, like Playboy magazine, where you find former Presidents writing in it. People rationalize that they are buying it for the article and not for the pictures. That is the attitude.

And you look at it and you see the prominent automobile companies are advertising and the Japanese buy half the magazine with their advertising of sound systems. It is a supportive attitude. And I think part of the attitude is that people say, yeah, it is over there; it is not happening around me.

I think we are going to have to change the attitudes. We are going to have to make this a very, very important issue. One comment to both of you; please contact the National Commission. If you can call my office afterward, I want you to be sure you are able to testify before the Commission.

I would like to get your comments on this legislation I talked about. I know it does not cover the whole problem, but it does deal with the fact that U.S. attorney in the Eastern District of New York cannot deal with all these cases. Mr. Lanning, I want your comment because you are with the FBI and I have the greatest respect for the FBI and the Justice Department. What about spreading this case load out so that all the U.S. attorneys around the Nation could bring cases wherever the material goes. Perhaps there should also be prosecution. Should there not be some way of spreading this case load out, because you do not get the community standards applied in New York City as in some other place. And second, if you spread that load around and have the names, of those involved, Customs could seize this material and give it to the U.S. attorneys. Would this not give the U.S. attorney and the law enforcement in that agency the ability to then get a court order for search and seizure and try to break up these rings?

Do you think there is any merit in this? If all of you could answer.

Mr. LANNING. Well, I would like to begin by saying something that—I am just trying to figure out exactly the best way to word it so that I am not misunderstood. To a certain degree I am disturbed by the term "child pornography" and the reason I am disturbed by it is that it links it with pornography as a whole. Child pornography in my opinion is totally distinct and separate from the broad, complex issue of pornography.

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As I testified and as was repeated, child pornography is the permanent record of the sexual abuse of the child. There is only one way to make child pornography, you must commit a crime, you must sexually abuse a child. The *Ferber* decision by the U.S. Supreme Court has made very clear that child pornography is separate and distinct. There is no *Miller* test for obscenity, there is no requirement for obscenity; it is in fact a separate issue, distinct.

And so, child pornography, it is being aggressively dealt with and Customs is in fact doing what you described. Much of this material is allowed to move forward. It is then delivered to individuals in what is known as a controlled delivery accompanied by a search warrant and then the individual's home is entered and then any other material that he has is seized and so on and so forth.

So, in the area of child pornography, I think it is aggressively pursued.

Mr. WOLF. Well, but they tell me that is not accurate. They tell me that the U.S. attorney is not bringing these cases. Are you telling me that the Justice Department is bringing a case for every piece that has come in that is in violation of the law?

Mr. LANNING. Let me put it this way. I cannot speak for U.S. Customs.

Mr. WOLF. How many cases has the U.S. attorney in the Eastern District brought?

Mr. LANNING. I do not know.

Mr. WOLF. Please get that and submit it for the record, will you?

Mr. LANNING. OK, again, I am not a representative of the Department of Justice.

Mr. WOLF. Well, you are with the Justice Department.

Mr. LANNING. Well, I am in a Bureau within the Department.

Mr. WOLF. Well, you are—I would like you to get for the record how many cases the U.S. attorney in the Eastern District has prosecuted in the last 3 years.

Mr. LANNING. In what area, pornography?

Mr. WOLF. In child pornography.

Mr. LANNING. Child pornography?

Mr. WOLF. Yes. Go ahead, I do not want to interrupt you. Go ahead, if you want to continue.

Mr. LANNING. No, I was just saying, I think that in the area, the broad area, pornography in general, there are other problems. And the *Miller* test for obscenity and community standards and those issues become much more difficult in the area of the broad nature of pornography and certainly that is something which the Attorney General's Commission is looking at. But I think that in the area of pornography, that is for the most part being aggressively pursued.

Mr. WOLF. Does the FBI have a separate division in this area?

Mr. LANNING. In the New York office, we do.

Mr. WOLF. Do you have a separate division on child pornography nationwide?

Mr. LANNING. Not in every office. In every office, we have an agent who has been specially trained in the sexual exploitation of children. In some of the larger offices such as New York, we are participating in a task force on sexually exploited children that join local police, FBI, Customs, postal. In Los Angeles, we are doing

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the same thing. In other offices, it is just done on a more informal basis and so on by individually trained agents.

Mr. WOLF. OK, go ahead. I have one more question.

Mr. JUPP. Sir, I was speaking to a postal inspector in New York yesterday who tells me that he has just persuaded the U.S. attorney to take the first case on the mass distribution of child pornography. That is the story I got yesterday, sir.

Mr. WOLF. And, I think somebody from the committee should follow up and ask how long has he been trying to get the U.S. attorney to take the case. Is this the U.S. attorney in the Eastern District for New York?

Mr. JUPP. I am not—I do not understand the jurisdictions.

Mr. WOLF. Where was the postal inspector?

Mr. JUPP. It was in Manhattan.

Mr. WOLF. Manhattan. Now, I want to make the record be very clear that I am not prepared to be openly critical of the U.S. attorney in the Eastern District. Perhaps his staff is such that he is overworked and perhaps they are bringing organized crime cases or bringing white collar or fraud cases. I do not know. But, what I am trying to get both of you to confirm is that you think it would be meritorious that we should at least allow the U.S. attorney in the district where the material is going to bring the case. Do you agree that would be a good idea?

Mr. LANNING. Yes, I agree with that principle. And, I said it was my understanding that it was being done but I have to——

Mr. WOLF. It is not being done.

Mr. LANNING. But, I have to admit to you that I do not know how many, I cannot give you numbers. And so, I would certainly do everything I can to find out exactly how often it is being done and to what extent it is being done.

Mr. JUPP. I would welcome any initiative that brings more cases to court. And if that is a good one, sir, then I support it.

Mr. WOLF. OK, my last question. I know I am over the time limit. If there is one thing you could do, just one thing that you could do, what would you do to solve the problem?

Mr. LANNING. Very difficult question. I would say that again just off the top of my head without much more time to think about it, I would agree with what was discussed here earlier is, some effort to educate or to change the attitude of American society so that they have a better understanding of what this problem is all about so that we in fact truly behave like we frequently say, that children are our most valuable resource. We say it but let us start to behave like we really mean it.

Ms. WAGNER. I would definitely agree with that. We have not come that far really from looking at children as property. And the fact that children do not have voting rights is very true. And very often, the parents of children who end up on the streets or end up exploited are so removed that they are not the parents who are voting. So I think really a broad societal attitudinal change to recognize that the children today are going to be the adults tomorrow and without putting more value on those children, we are going to have a pretty sick society in another few years.

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Mr. JUPP. Changing attitude is the key to this whole thing, sir. And also, that is changing attitude not just in this country but changing attitude toward children throughout the world.

Mrs. BOGGS. Thank you. Mr. Bliley.

Mr. BLILEY. Thank you, Madam Chairman. Miss Wagner, of the 700 teens served by the Orion Center in its first 15 months, how many have made a successful transition away from the street?

Ms. WAGNER. I also submitted, and I do not know if you have it with my testimony, an executive summary of our evaluation. What that summary found was of clients terminated, that is clients no longer receiving services, approximately 50 percent have positive terminations. That is, they were off the street, out of prostitution and either back home or in a stable living environment. Another approximately 25 percent had what we are calling neutral terminations. And for many of those young people, we simply do not know what happened to them.

They may be in another community, they may have left the street, but we do not know. The remaining 25 percent had negative terminations. And that includes being institutionalized, continuing in prostitution and street life and for two young people, being dead.

Mr. BLILEY. Thank you. How many of the 700 were engaged in prostitution?

Ms. WAGNER. About 54 percent were actively involved in prostitution. All of the young people served by that particular program are homeless, on the street, and at risk for prostitution.

Mr. BLILEY. How about drug dealing?

Ms. WAGNER. I would say that—not drug dealing particularly but drug usage—is just about 98 percent or 99 percent. The amount of substance abuse involved with this population is incredible. And it is very cyclical. In order to be involved in prostitution, involved in many of the activities that they are, there is almost a need to block that kind of thing out from their minds. So, substance abuse is very high. In terms of drug dealing, we have seen maybe a handful of kids that were actually dealing.

Mr. BLILEY. How about pornography?

Ms. WAGNER. Pornography is much more underground and I think that the gentleman on my right would probably agree with me. It is a lot more difficult to get accurate data. I do not really have numbers. We certainly have a lot of our young people report having pictures taken involved with the act of prostitution. That is usually done by a trick, often they do not view it as pornography. However, those pictures are sold, they are distributed.

We do not know of any organized pornography rings in Seattle but that does not mean they are not there. I know that there was recently one in Portland about a year ago that was found.

Mr. LANNING. I would like to just quickly add in here that everybody seems to want this and ask for it and it came up earlier. Everybody wants to put a dollar figure on the pornography or the child pornography business. I understand why people want that, but especially as it pertains to child pornography, I think that what we are talking about here is attitude; is that the way we want to measure the effect of child pornography by putting a dollar figure on it?

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If tomorrow all commercial distribution of child pornography ended in this country, does that mean we do not care about it because the dollar figure is now zero? The effects of child pornography go far beyond any monetary value that we put on it. And whether 25 or 50 percent of it is commercial and the rest of it is swapped and traded, we could debate for a long time. What we do know in this country is there is a vast underground network of pornography which is being used and taken which has no commercial value and is not sold, and there is no organized crime involvement. It is individuals taking these pictures, swapping and trading them. And just because we cannot put a dollar figure on it does not mean that no harm is being done to children.

Mr. BLILEY. Ms. Wagner, Father Bruce Ritter, and others have told Congress that pimps will beat up and even murder prostitutes who try to leave the street. Have you seen this side of prostitution?

Ms. WAGNER. Yes, we have. There is a little picture I often use when I do training. It is a picture of a pimp and then it says under it, "Right now, the best person equipped to help children is this person." And I think that is very true. That is often the first person that a young person running away meets. They are in bus stations, they are on the street, and there is a real typical line, "I will take care of you; I will help you; I will give you money."

The other side of that is the victimization, the rapes, the beating up, sometimes murder. Yes, we see it. We do not see with male prostitution that same kind of thing. We see an older group of adults often referred to as sugar daddies, that may or may not act as pimps. But it is not a typical relationship ordinarily seen between a young woman and a pimp.

Mr. BLILEY. Have any of the 700 teens served by Orion been killed by their pimps?

Ms. WAGNER. None by their pimps. We have had several killed in other ways.

Mr. BLILEY. I see my time is expired. Thank you, Madam Chairman.

Mrs. BOGGS. Thank you so much, Mr. Bliley. I feel so badly because the testimony is so excellent and the questions are too but it is unfair to the next panel for us not to proceed. We are very grateful to all of you for coming. This committee of course was formed because children have no right to vote and we want to hear the problems of children and try to devise some ways of protecting them.

And we also feel very grateful to all you and, Miss Wagner, especially for the kinds of programs that you have been involved in, and for your saying, Mr. Jupp, that these are very important programs. This committee is very interested in how children fit into their family settings, we feel that a child cannot be separated out from a family setting. I would like to know from the three of you, since you seem to believe that many teenage prostitutes and sexually exploited children are first abused at home by parents or relatives, would you agree that we should emphasize prevention efforts by directing services toward troubled families as well as to the children who are involved?

Ms. WAGNER. There definitely needs to be more of a focus on work with families and I know there is with some States. There

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also needs to be a focus on prevention. I think our public schools are probably one of the best systems that are already set up to really aim a full scale preventive effort. Yes, I definitely agree. By the time we see young people, very rarely are they able to go back to their families.

Mr. JUPP. Madam, there are so many No. 1 priorities and I do not know which No. 1 priority is No. 1. Work with families is of key importance obviously. Also, children who leave—not all children should stay with their families until they have got their Ph.D. at the age of 42. Some need to leave younger, some really do. I think that a real urgent priority at the moment is for much more concrete research. Too much of the stuff that we are talking about comes from a hardcore nucleus in this country of about 24 people who talk to each other and, all of a sudden, it becomes fact because we have all talked it out.

We really need hard data. We also need to conform with our international obligations. The U.S. Senate has ratified treaties going back to 1904 that say that there will be a central clearinghouse on child pornography. I know there is not a central clearinghouse that really looks at child pornography as a forensic scientist should look at child pornography.

There are millions of No. 1 priorities.

Mrs. BOGGS. Mr. Lanning, I know that you have said that the people who are involved in the vocations in helping with children are not pedophiles, most of them, and they are just wonderfully interested people. For the record, would you give to me any kind of statistics that you may have about child day care centers and about juvenile justice homes in regard to the people who are in charge with those?

Mr. LANNING. I will be very honest with you and I agree with what the gentleman just said here is that one of the problems we have is we do not have hard statistical data. The only thing I can give you is my observation or my general impression for whatever they are worth and what I would say is repeat what I said in my opening statement. My finding or my observation is that a very minute percentage of individuals who work in daycare centers or are boyscout leaders, big brothers, and so on are involved in this. So we are talking about a small percentage.

But I believe that what we have to understand is that a pedophile and it is most likely the pedophile type molester who will penetrate these kinds of groups to gain access to children. If, for example, in a school district, if there are 1,000 teachers and only one of them is a pedophile, that is a very tiny percentage; but that one teacher, over a 30-year period of time, could molest 100, 200, 1,000 children. So, what I would say is we need to do everything we can to screen out this small minority from gaining access to our children. But we do know that they gravitate toward jobs and occupations that give them access to children.

Mrs. BOGGS. Thank you very much. Thank all of you very, very much. Please may we have the second panel, Mr. Thomas S. Berg who is the director of Clinical Services of Chesapeake Institute in Kensington, MD, Mr. Bruce A. Taylor who has come all the way from Phoenix, AZ to be with us—he's a vice president-general counsel, Citizens for Decency Through Law—and Detective Steve

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Finkelberg who is with the Metropolitan Police Department here in our Nation's Capitol in Washington, DC.

All of your statements will be made a part of the record. And if you would like to summarize, you may proceed as you wish. May we hear from Mr. Berg.

STATEMENT OF THOMAS BERG, DIRECTOR OF CLINICAL SERVICES, CHESAPEAKE INSTITUTE, KENSINGTON, MD

Mr. BERG. Thank you, Madam Chairman. I am here to speak specifically to the perspective of the clinical or therapeutic side of this whole issue. Before I do start with my statements, there were some questions by Mr. Coats, Mr. Smith, and Mr. Levin that I think maybe I could help clarify in expanding upon what Ken Lanning was saying.

The questions concerned what Mr. Lanning was talking about. He specifically distinguished between what he called the pedophile and what he called—I think what he referred to as the more criminal aspect of pedophilia dealing in rings, dealing in organized crime, and talked about the differences between not all people that molest children are pedophiles. And I would like to expand upon that a little bit and then answer your question about rehabilitation briefly.

There tend to be two major categories of men—or adults—who molest children. And, I would like to exclude the more criminal aspect for the moment. The pedophile that Mr. Lanning was referring to is a person who is specifically sexually attracted to children. And the things about that child that are attractive to him or her are things like very smooth skin, no secondary sexual characteristics, undeveloped or underdeveloped genitalia. Those kinds of things are the things that are sexually arousing to that individual so that he or she is attracted to that child specifically because that child is a child.

There is another kind of offender that a colleague of mine Dr. Groth has called or termed, "the regressed offender." This is more typically the person who abuses a child within a family although the pedophile that I just described can also work and operate within families as Mr. Lanning describes. But this regressed offender rather then seeing that child as a child, rather then being attracted to the child because of those characteristics that I have just mentioned, instead distorts that child and begins to see that child as an adult, distorts those kinds of physical characteristics, emotional characteristics so that he or she may meet adult emotional and sexual needs through interaction with that child and there is a vast difference between the two, seeing the child as an adult and being attracted to a child because he or she is a child.

What we have found clinically is that the rates of rehabilitation for those two kinds of individuals are vastly different. The regressed offender, the man who distorts this child and sees her—it most likely is a her—as an adult, we find that in anywhere from 90 to 95 percent of the cases that we have worked with, and this is verified through statistics across the country, that person is rehabilitated. There is no recidivism, there are no repeat offenses.

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The other type of individual, a person who is attracted to a child specifically because it is a child is a much different case and we have a very, very low success rate with that person. One of the ways I like to describe it is very much like psychiatrists used to talk about trying to "cure" homosexuality. What they found was no matter what they did, that really did not change that person's sexual orientation. It was an ingrained, integral part of that personality. And we find that for the pedophile who is attracted to children chronically, it is very much that same kind of sexual orientation and attraction.

You have heard some examples, very specific and personal examples, of cases of abuse and I am sure that we will all hear more. Some of those examples of individual and personal stories of victimizations are the ones that touch us most deeply and can also help us in understanding the wider impact we all face. For instance, consider a 26-year-old woman who as a young child was fondled every Sunday over a 2-year period by her dance instructor and this would occur while she stood behind the stage curtain waiting to perform. As a teenager, she believed that somehow she could forget that that all happened and place it behind her but as a young adult, she became depressed, she began losing her concentration and time at work and suffered from flashbacks that became even more emotionally painful than the original events themselves.

Or consider the 32-year-old woman who was assaulted repeatedly by her brother-in-law at the times that she would babysit for his children. Today as an adult, she is hospitalized in a State institution after her fourth suicide attempt in the last 3 years. She suffered through a life that included prostitution, drug and alcohol addiction and almost constant depression and self destructive abuse of adult relationships.

In 1982, Diana Russell published a study based on random interviews of approximately 900 women in San Francisco; 34 percent of those women reported that they had experienced some type of sexual victimization that involved physical contact by the time they were 18. When nontouching situations were involved, the response rate went up to 54 percent.

The consequences of incidents like these on individuals are becoming better known. But I would like to discuss some of the greater ramifications as well. What about the families who see their children suddenly change for the worse before their eyes without ever understanding why and in fact usually never do for 20 or 30 years down the road or the children who almost daily are improperly assessed as behavior problems or as learning disabled when in fact what they are exhibiting are problems we normally expect of children who have been traumatized and victimized.

What about the daughter who has witnessed her mother's attempted suicide or about the marriages that are rocked and destroyed. As flashbacks triggered, sex becomes something to avoid and patience wears thin. And what about the thousands of runaways and young prostitutes you have already heard about. And what do we make of my colleague who upon asking specific questions of patients in her hospital psychiatric unit discover that at least one half of those patients had been sexually abused as children.

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Many of those again were misdiagnosed as being manic depressive or experienced other major mental disorders when they were actually suffering the long-term negative effects of childhood sexual victimization. I believe the cost to the individuals, families, our communities and our resources are enormous.

There is also the adult male who must be acknowledged. Consider the man who at age 11 was molested by an older male friend of the family, yet felt he could never tell anyone. At age 17, because of doubts not only about his masculinity but also his worthiness concerning what had happened to him, he gave up a life long dream and enrolled in a college rather than attending a seminary. After college what had been social drinking or what he thought was social drinking blossomed into full blown alcoholism in attempt to medicate the pain as he called it. And after heart wrenching sessions in marital therapy, he acknowledged that long standing sexual problems in his marriage stemmed from memories of his victimization that were stirred whenever he and his wife made love.

We often talk about victims of sexual exploitation as predominantly girls. However, in 1976, Dr. Nicholas Groth prepared a study of school children ages nine through 12 in Oakland County, MI. One year after an education and prevention program developed by Dr. Groth, 800 children in that county reported they had been approached sexually by an adult during that past year. Of those 800 children, 49 percent were boys and 51 percent were girls. Many professionals now believe that these figures close to 50/50 are a much more accurate reflection of what actually occurs and that boys may be abused with the same frequency as girls.

Another study recently done by Dr. Gene Abel provides startling and dramatic evidence of the scope of this problem. Dr. Abel questioned 411 of what he labels paraphiles concerning the sexual offenses they committed over the preceding 10-year period. Dr. Abel discovered that over this 10-year period, this group of 411 subjects attempted to commit 238,711 sexual assaults and actually did commit 218,900 of those assaults. This averages out to 581 attempted assaults, 511 actual assaults committed per offender.

During this same 10-year period, the average number of victims per offender was 336. I am not talking about the criminal network, the criminal ring, these are individuals acting alone as individuals who committed these assaults over this period. These figures staggering as they are raise a number of important and serious issues. First, if as we now believe it is true that as many boys are sexually victimized or exploited as girls, based on the growing number of reported cases of female children abused, there are a tremendous number of male victims we are not identifying or helping.

I believe this is partially due to the general lack of education and awareness that has previously been mentioned. But another equally basic cause has more to do with current reporting laws. The reporting of sexual abuse of children in a family setting often called "caretaker status" cases is now mandated all over the country. However, reporting instances of sexual victimization and exploitation of children by someone other than a caretaker is often not mandated. These types of crime will usually come under sexual assault laws and child abuse statutes. As a result, they are reported

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to authorities much less frequently and often no therapeutic intervention is made available to aid those children.

Mrs. BOGGS. Mr. Berg, excuse me. You have been so patient sitting here for so long and we are very grateful for your wonderful testimony. I wonder with the constraints of time if you could summarize the rest of it for us.

Mr. BERG. OK, I will try to do that. One of the things that I am building to is something that many of my colleagues have talked about but I have never heard anyone talk about publicly in a forum like this and that is that we believe there is something that might be called an "Exponential Factor" in a cycle of child abuse. If we conservatively estimate that maybe two, maybe three children who have been sexually abused, maybe three of those 336 victims per offender may themselves become sexually abusive, or exploitive of other children.

What we have is a picture of maybe a doubling or tripling of potential abusers and offenders from generation to generation. I think this is significantly important and yet we do not have any statistics to answer that question specifically, but I do believe that it is something we need to consider, that there is a cyclical, intergenerational cycle and one that is not getting smaller but in fact is getting larger and larger.

I would like also to state briefly to give you a composite picture that we see quite often of an offender. This may be a man or a woman who was abused briefly or for a long period of time as a child. As he or she then became older, and as a teenager, we see that person beginning to sexually abuse, fondle or commit oral sexual acts on children as a babysitter. This person then goes on to maybe working youth leagues and by the age of 24, 25 will have molested dozens if not hundreds of children, and maybe at age 26 or 27 is arrested for the first time.

We find on the average that the adult sexual offenders first offense actually occurred at an average age of 13 or 14. Many adult offenders will tell us that they might have been caught, but at those ages, nobody seriously explored with them their abusive, their inappropriate and sometimes compulsive sexual behavior. I think that that is an issue that needs to be addressed.

And to address those issues I would like to read three recommendations that I have made. The first recommendation is, I believe we should develop a national policy to provide a consistent, coordinated program of sexual abuse prevention and education in our primary schools rather than the hodge-podge of programs that we now have. We find regularly that children who have been exposed to good prevention programs will tell someone for the first time that they have been abused after a program, and of course we hope there is a preventive measure in that as well for other children.

The second recommendation is that I believe we should have a concerted effort to enact laws requiring all child sexual victimization cases to be reported to authorities, family and nonfamily cases alike. And, third and probably the most controversial, I believe we should increase efforts and moneys available to develop treatment programs for child sexual offenders. Identifying and treating the adolescent sexual offender I think is a major step in making inroads on this problem. It is the place where we first hear about the

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child; it is the place where we can get him or her before his behavior or her behavior becomes entrenched.

There are programs that are effective for some offenders. We do not have effective programs for others. Whether they are in jails, whether they are in community programs where we can treat and monitor pedophiles, I believe that the reality is that they are not going to be in jail very long if they go to jail at all and that jail is not an effective deterrent in any event because they then go ahead and repeat crimes. We need effective community programs for offenders if we are going to make an impact.

[Prepared statement of Thomas Berg follows:]

PREPARED STATEMENT OF THOMAS S. BERG, M.S., DIRECTOR OF CLINICAL SERVICES, THE CHESAPEAKE INSTITUTE, CLINICAL DIRECTOR, PARENTS UNITED (MONTGOMERY COUNTY, MARYLAND CHAPTER)

The effect of sexual victimization and exploitation of children in our country is a problem that is truly just coming to light in recent years. Many of you have heard or read a few of the sad and frightening tragedies that have befallen thousands of children, and I am sure you will hear about a few more today. But I hope to impress upon you that far reaching, ripple-like effect these thousands of individual stories and histories have on our families, our communities and inevitably on our society as a whole.

The Chesapeake Institute is a nonprofit organization dedicated to the study, treatment and prevention of child sexual victimization. As Director of Clinical Services at the Chesapeake Institute, and in my work prior to taking this position, I have had the opportunity to help children of all ages who have been sexually victimized, and their families as well. I have also worked with adults who experienced sexual victimization when they were children and with literally hundreds of juveniles and adults who have sexually victimized and exploited children. Additionally, I supervise a staff of ten therapists whose combined experience in this field presently totals more than fifty years.

I will not attempt to flood you with a staggering amount of statistics and numbers. What I do hope you will hear are a few statistics that are in themselves staggering, and also hear my personal sense of the vastness of this problem, based on six years of intensive involvement and study of child sexual victimization and personal contact with over one thousand cases.

Examples of individual, personal stories of victimization are the ones that touch us most deeply, and can also help in understanding the wider impact we all face. For instance, consider a twenty-six year old woman who, as a young child, was fondled every Sunday over a two-year period by her dance instructor, while she stood behind the stage curtain waiting to perform. As a teenager she believed she could put this experience behind, as if it never happened. But as a young adult she became depressed, began losing concentration and time at work and suffered from "flashbacks" that were becoming even more emotionally painful than the original experiences.

Or consider the thirty-two year old woman who was assaulted repeatedly by her brother-in-law when she babysat his children, incidents that nobody wanted to believe really happened. Today she is hospitalized in a state institution after her fourth suicide attempt in the last three years. She has suffered through a life that included prostitution, drug and alcohol addiction, almost constant depression and self-destructive, abusive adult relationships.

In 1983 Diana Russell published a study based on random interviews of approximately 900 women in San Francisco. Thirty-four per cent of the women interviewed stated that they had experienced some type of sexual victimization that involved physical contact, by age eighteen. When incidents of victimization involving non-touching situations were included, such as indecent exposure, the response rate went up to fifty-four per cent. This is only one of many studies highlighting the frequency of child sexual victimization. The consequences of these incidents on individuals are becoming better known, but there are also greater ramifications. What about the families who see their children suddenly change for the worse before their eyes, without ever understanding why? Or the children who almost daily, are improperly assessed as behavior problems or learning disabled, when in fact what they are exhibiting are problems we would normally expect of children who have been traumatized and victimized? What about the daughter who has witnessed her moth-

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er's attempted suicide? What about the marriages that are rocked and destroyed as "flashbacks" are triggered, sex becomes something to avoid and patience wears thin? What about the thousands of runaways and young prostitutes who left home to escape sexually abusive situations? And what do we make of my colleague who, upon asking specific questions of patients in her hospital's psychiatric unit, discovered that at least one-half of those patients were sexually abused as children, many again misdiagnosed as being manic-depressive or suffering major mental disorders when they were actually suffering the long-term, negative effects of childhood sexual victimization? The cost to individuals, families, communities, and our resources is enormous.

There is also the adult male that must be acknowledged. Consider the man who, at age eleven, was molested by an older male friend of the family and felt he could never tell anyone. At age seventeen, because of doubts not only about his masculinity, but also his worthiness considering what had happened to him, gave up a lifelong dream and enrolled in college rather than attending seminary. After college what had been social drinking blossomed into full blown alcoholism in an attempt to "medicate the pain" as he called it. And after heart-wrenching sessions in marital therapy, he acknowledged that long-standing sexual problems in his marriage stemmed from memories of his victimizations that were stirred whenever he and his wife made love.

We often talk about victims of sexual exploitation as predominantly girls. However, in 1976 Dr. Nicholas Groth prepared a study of school children, ages nine through twelve, in Oakland County, Michigan. One year after an education and prevention program developed by Dr. Groth, 800 children reported that they had been approached sexually by an adult during that past year. Of those 800 children, forty-nine per cent were boys and fifty-one per cent were girls. Many professionals now believe these figures, close to fifty-fifty, are an accurate reflection of what actually occurs, and that boys may be abused with the same frequency as girls.

Another recent study, this one by Dr. Gene Abel, provides startling and dramatic evidence of the scope of this problem. Dr. Abel questioned 411 of what he labels "paraphiles" concerning the sexual offenses they committed over the preceding ten year period. Dr. Abel discovered that, over this ten year period, this group of 411 subjects attempted to commit 238,711 sexual assaults, and actually did commit 218,900 assaults. This averages out to 581 attempted assaults and 511 actual assaults committed per offender. During this same ten year period, the average number of victims per offender was 336.

These figures, staggering as they are, raise a number of important and serious issues. First, if, as we now believe, it is true that as many boys are sexually victimized or exploited as girls, based on the continually growing number of reported cases of female children abused, there are probably a tremendous number of male victims we are not identifying or helping. I believe this is partially due to a general lack of education and awareness. But another equally basic cause, has more to do with current reporting laws. The reporting of sexual abuse of children in a family setting, often called "caretaker status" cases, is now mandated all over the country. However, reporting instances of sexual victimization and exploitation of children by someone other than a "caretaker", is often not mandated. These types of crimes more usually come under sexual assault laws rather than child abuse statutes. As a result, they are reported to authorities much less frequently and often no therapeutic intervention is made available to aid these children. This becomes significant not only because so many cases go unreported, but also because it is believed that boys are more often the targets of abuse that takes place *outside* the family setting. However, whether male or female, in these cases there is no mandate or sanction to report and intervene.

There develops a very real threat of what I will call "The Exponential Fact" in the cycle of sexual abuse. It is a theory that has not yet been tested or studied scientifically, but common sense and experience says it is a real—not imagined threat.

Dr. Nicholas Groth reports that as many as eighty per cent of the offenders he has worked with at Somers State Prison in Connecticut were themselves sexually victimized as children. My own clinical experience has been that approximately seventy-five per cent of the offenders I have worked with were sexually victimized as children, and reports from other clinicians and studies support figures ranging from sixty per cent to eighty per cent.

Please take a moment to peer closely under the blanket of secrecy and imagine the growing threat and potential harm slowly being unleashed daily. How many of those hundreds of victims per offender mentioned previously, can we predict will act out their pain, confusion, anger or loneliness by sexually molesting, victimizing or otherwise exploiting others younger and more vulnerable than they?

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We have no statistics as yet to answer that question, but a very conservative estimate might be that only two or three of those 336 victims will themselves become offenders. But now we have a population of child sexual offenders that might realistically double or triple from one generation to the next, conservatively speaking. In other words, the number of offenders, the number of victims, the impact on families, the costs to our communities, all growing exponentially.

Admittedly, this is currently theoretical and not based upon scientifically controlled studies, but it is also not based on myopic or tunnel-visioned fears. Rather, it is theory-based on rapidly expanding awareness gained through knowledge and experience of daily confrontation with the realities of child sexual abuse and victimization today. These are thoughts and posibilities quietly talked about by knowledgeable therapists, police, child protective service workers and physicians around the country.

As my final individual example, I would like to present a composite picture to examine. He or she was sexually abused, say from the ages of eight to eleven, by a parent or an aunt, or a scouting leader, or maybe a grandparent or a physician. Fearful of the consequences of telling, out of fear of having done something wrong or may be because the perpetrator threatened physical harm, this child discloses to no one.

At age fourteen, he or she begins fondling and performing oral sex on younger children while babysitting. At age twenty he or she begins coaching in a youth league, and by age twenty-four has already molested dozens of children. At age twenty-seven an arrest is made and during search and seizure, the police find hundreds of pornographic pictures of children taken by this individual, and videotapes bought and received through the mail.

According to studies by Dr. Groth, Dr. Abel, and others around the country, an adult offender's first inappropriate or deviant sexual offense occurred, on the average, at age thirteen or fourteen. When most of those adolescents were first caught or reported for such behavior they were given what amounts to a slap on the hand, or smiled at for "normal" adolescent sexual curiosity, diagnosed to be suffering from adolescent adjustment disorders, or just ignored.

Adult offenders themselves tell us that no one ever explored or treated their inappropriate, often compulsive sexual behavior. Rather, society chose to minimize their offenses while the seeds of a life-long problem took root and quickly became entrenched, causing pain and suffering not to just one, but to hundreds and thousands of innocent victims.

Based on facts I have just outlined, based on the needs that become evident to me in my own work, and based on consultation with many of my colleagues, I would like to suggest a few recommendations. In the past ten years we have come a long way in identifying and acting on the problem of child sexual victimization, and I believe the following recommendations will greatly enhance efforts to identify child victims, to prevent further abuses, and ultimately to slow the cycle of sexual victimization from generation to generation.

1. We should develop a national policy to provide a consistent, coordinated program of sexual abuse prevention and education in our primary schools. We currently have a hodge-podge of programs around the country, some areas having programs while others do not. Yet we regularly find that good prevention and education programs not only teach children effectively but also encourage those who have been or are being victimized to seek help and tell someone.

A coordinated program that reaches children in ways they can understand, and teaches teachers how to identify and respond to children who have been sexually victimized, will empower many children to escape potential victimization and will prevent countless others from carrying their "horrible secret" through childhood and into their adult lives.

2. A concerted effort should be made to enact laws requiring all child sexual victimization cases to be reported to the proper authorities, family and non-family cases alike. In this way a signficant number of offenders who in the past have slipped through the system will be identified and prosecuted. Additionally, treatment services for those children victimized will be readily available and accessible. This will go a long way toward alleviating long-term effects for those children, and in breaking the intergenerational cycle of child sexual abuse.

3. Finally, and probably most controversial, we should increase efforts and monies available, to develop treatment programs for child sexual offenders. Effectively identifying and treating the adolescent offender will, in the long run, be the most important step we can take to prevent child sexual victimization in the future. The adolescent offender is a bright red flag that warns of intensive problems that demand

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specific treatment. If we can learn to attend to those needs properly, it will make a significant impact years from now.

Equally as important however, is treatment for adult offenders. There are already effective treatment programs for some types of offenders that boast very low rates of recidivism. They should be expanded upon and supported.

Treatment for other types of child sexual offenders is still in its infancy and cannot claim similar success. But given the facts that offenders often are not incarcerated or spend relatively short amounts of time in jail, given that jail alone is not an effective deterrent to continued offenses, and given the enormous number of victims who are currently being exploited, more effective treatment modalities and programs are probably the most realistic and viable alternatives available. We need more and better treatment programs in our jails, and we need to learn how to treat and monitor chronic pedophiles in our communities. We may *want* to lock them all away forever, and for some that may be the only way to maintain our children's safety, but for most that does not and never will happen. If we want to protect our children we must place priority on developing and providing adequate treatment resources for offenders.

I want to thank you for the opportunity to speak before you today. I, and most of my colleagues around the country, realize the uphill battle we all face, but we have also seen the gratifying effects of good prevention programs and proper treatment, and the important and vital changes in our country's laws and attitudes toward protecting children. We continue to be encouraged and hopeful.

Mrs. BOGGS. Thank you very much. Mr. Taylor. We are very happy to have you here and thank you for coming such a long distance to be with us.

STATEMENT OF BRUCE TAYLOR, VICE PRESIDENT-GENERAL COUNSEL, CITIZENS FOR DECENCY THROUGH LAW, PHOENIX, AZ

Mr. TAYLOR. Well thank you, it is my pleasure and I wish that some of the other representatives were here to hear what I wanted to start out with. And that is that I am not the kind of person that thinks that this is a big problem, you can talk about it and then you do not really have a solution and it is so big that we cannot do anything about it. I think there are ways that we could stop a lot of this and it would not take the rest of our lives. I think we can do it soon, like within 2 years.

I agree with Congressman Coats that we have to increase prosecutions. As he knows in Indiana, there is probably more prosecutions going on in Indiana, Florida, and Texas than any other place in the whole country combined. I have been special prosecutor in a dozen trials in Fort Wayne, Indianapolis, and Jeffersonville, and it is having an effect, the adult pornography, on the child pornography and on the whole type of sexual exploitation and street prostitution that trickles down.

I think Mr. Smith pointed out that at some point you have to get tough with these people. Second and third offenses are not an excuse anymore. It is not a mistake, it is not like you can say, I thought she was 14 or 15 or I thought she was 18 or 19 the second or third time you do it. I mean maybe you get one free bite like a dog does that bites somebody but the second or third time, you should be going to jail. And the judges are too lenient now, the sentencing structure that is existing in the Federal law is almost absurd where a child pornographer in Hawaii can get 15 years and one in Boston can get probation and when adult pornographers in Miami who are organized crime figures and convicted get 8 months. And a pornographer convicted in North Carolina last week got 25 years. I mean there have to be some sentencing guidelines

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set by the Congress so that when Federal judges are sitting there saying, "Well, I am conservative or I am liberal and therefore my policies are going to be my own," Congress should be saying, "No they are not, they are going to be what the law means and you have to obey some certain minimum standards there."

I think Congressman Wolf made a good point. Why cannot there be jurisdiction for prosecutors to bring cases wherever the crime was intended to happen meaning, when the pornographer sends something to Kansas, that is where the crime should be also prosecuted. I think it is some excuse to say the U.S. Attorney for the Eastern District of New York cannot do all the cases. Obviously there are thousands of pieces of obscenity and child pornography going into New York Harbor. Some of that could be spread around the country, but he is not doing any. And his excuse is is that, well, I have two Federal judges, one said that he will confiscate the material, the other one says he will not, therefore I am not going to bring any cases because I only can win half of my cases. I think he could bring more and he could put more pressure on the judges. I think that there have to be more prosecutions.

If you ask me, the one thing I would do to solve some of this problem, I would shut down the international pornography syndicate, I would shut down the international blatant traffic and child pornography that we know about. And the easy way to do that is to assign a prosecutor in maybe as little as 6 and in maybe as many as 12 major cities in the United States, assign them one agent. Even if you do not assign them, if you put one U.S. attorney in New York, Los Angeles, Cleveland, maybe Chicago, Washington, DC, Houston, Miami, Boston, those major markets in the production organized crime centers, if one U.S. attorney had even the ability, the permission to bring prosecutions against pornographers and child pornography, there would be cases in court.

Right now as has been said, sometimes you get the newest person in the office. If you get a big case that makes a lot of media attention, that adds to the problem. But if nobody pays any attention to a particular item or particular pornography, no one is going to prosecute it. All it would take is one person in the office whose job was to prosecute these cases and you would see not only cases being brought in that city but cooperation among those cities, you would see the enforcement agencies getting enthusiastic about doing investigations. If they thought there was someplace to bring their cases, they would bring them. Postal inspectors and customs agents are complaining to people like myself and Legislators and city police chiefs saying, we are finding child pornography, we are finding evidence of underground and above ground, we are finding adult porn rings that are trading in child porn or finding organized crime type involved figures involved in child porn and the U.S. attorney will not bring the case and I think that is an absurd result. And I think that it would not take the whole Federal budget to solve this problem. One U.S. attorney assigned in six major markets and production centers in this country would have a big impact in 2 years.

These people would run for cover. It is a felony under Federal law to distribute any obscene material. I think there have to be increased penalties for obscenity. A $5,000 fine is kind of a joke to

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these people. First offense for most of the Federal crimes is 5 years and $5,000. It is a second offense of 10 years and $10,000 under some penalties—under some statutes but under the interstate transportation crime, section 1465, there is no second offense increased penalty. And that is the most commonly violated and it used to be the most commonly prosecuted obscenity offense. Those have to be raised at least to $50,000 fine and the interstate transportation has to be made a second offense.

Next of all, there is a treaty between the United States and a couple of dozen countries that is 75 years old that has never been enforced. We cannot expect the European countries to enforce the interstate transportation of obscene and child pornography material if we are not going to do it. But if we took some steps, we started getting serious and going to court with these people, then we could say to the foreign countries who are sending the magazines over here, "If you do not cut your traffic out, we are not going to be sending all the foreign aid over there." We have ways to increase the pressure diplomatically and economically on those countries.

I have a lot of nerve, I suppose, saying such things. I am a professional pornography prosecutor I guess you could say. I was a prosecutor in the city of Cleveland for 5 years and we handled a lot of cases there. I did 600 obscenity cases, got 450 convictions, hand wrote 100 appellant briefs, argued cases in the U.S. Supreme Court and I have done trials in a half a dozen other States. We give seminars to policemen and prosecutors, Federal agents, U.S. attorneys all over the country. Our organization's job is to help the pornographers have somebody to oppose them. It seems like that is the least we can do for them. They have defense attorneys who are highly trained, they control the defense of all the obscenity cases. If someone gets arrested, it does not make any difference if it is in New York or in Topeka, KS, there are going to be a handful of three or four lawyers who are going to decide who that guy's lawyer is, who the witnesses are that are going to testify, how much money they are going to spend, whether he is going to continue to be an employee or operate a store.

Organized crime controls a whole international traffic and hardcore pornography from coast to coast, from production to distribution. If you want to open up a bookstore in this country, you call it an adult bookstore, you have to have the permission. You have to be within a franchise, you have to work under a distribution pattern that has already been set by members of what we call La Costra Nostra or the Mafia which a lot of people say does not exist.

There has been testimony in a trial in Boston just this week in a racketeering case that is going on talking about pornography franchises and territories where one guy said, "Should we bring this up with the Commission or should we just go to DeBernardo?" And, DeBernardo is a Mafia member in New York who is the highest ranking member of the LCN that controls the pornography syndicate. He is the man that according to the FBI, Department of Justice and major police department reports which I have to submit to the Committee has consolidated the U.S. traffic and pornography under one company, primarily Sovereign News Co. in Cleveland, OH.

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They handle not only adult pornography and they handle all of the adult pornography virtually in any adult bookstore, any theater, any X rated cassette. All that material one way or another goes through some pattern of that family or Sovereign News' various hundreds of corporations. We have also seen evidence that the same companies that traffic in the adult pornography do child pornography.

I have only done one child pornography case. That was back in 1976. Maybe it was only softcore pornography, magazines called "Nudist Moppets and Lolly Tots, they were selling in adult bookstores. They thought, it is only nude pictures of children. We took a lot of gambles by seizing every single copy we could in the whole city of Cleveland. At the time the law said you can only seize one copy for use as evidence, we figured, hey, let the court tell us that we cannot do this. So we picked it all up. We never saw another piece of child pornography again in Cleveland. It does not mean it is not coming in underground.

Another interesting thing happened. We would prosecute cases in city court and the Federal Government would not prosecute them in Federal court so the postal inspector used to bring cases to us. Once that started happening, the pornographers prevented child pornography from hitting the mailboxes in Cleveland. If a man in Cleveland, a pedophile child molester ordered something from Sweden or Denmark or if he ordered it from Los Angeles or New York, it would never get delivered to Cleveland because they were afraid if it did and somebody started prosecuting them, people would think that there is child porn involved and they would think the pornographers were bad guys. And as long as they were only selling adult material, they could handle that heat but they did not want anybody to think they were really nasty people.

They were almost our best friends. They would keep the child pornography out which makes me believe that if you stop this blatant traffic in pornography as a profitable international, underground, illegal business, the first thing that is going to disappear is the commercial child pornography. Pedophiles take pictures and they trade it and they have underground networks of their own and computers and they join clubs and that kind of thing but they do not print magazines. All the magazines are printed either in this country or in Europe. A lot of it looks like it is printed in Europe and is not.

Most of the time, pedophiles sell their pictures to contacts in the adult porn businesses or contacts that they make through the adult porn businesses like these Swinger ads and the magazines that you pick up in the bars and on the street corners and at the convenience stores. If you answer some of the ads on the back of High Society or Hustler for certain companies, they are saying they are offering young stuff. Well, the first stuff you get will not be children but maybe the third or fourth order you get—you start getting known, you break into the system. These pictures go over to Europe and then come back as magazines but the underground traffic becomes commercial when it gets back here.

People like Marty Hotis who we used to call the peep show king of New York City, U.S. attorney in Manhattan would not prosecute him so the U.S. attorney in Buffalo did. Well once he agreed to

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take that case, the Canadian Mounted Police and the New York task force made up of the FBI and the New York City Police made a case on Hotis. They made the delivery of the trade for the cash for the material in Buffalo so they arrested him there. But when they got the search warrant and searched his office in New York City, low and behold they found commercial grade child pornography, video, 8 millimeter magazines. We found child pornography in the hands of virtually every major ring that we have uncovered even like Pornex the film developing labs. They start out making adult porn and they end up handling child porn too.

You cannot separate the two and I think——

Mrs. BOGGS. Mr. Taylor, excuse me a minute. This committee tries to take suggestions that are successful and replicate them and suggest that they be replicated in other parts of the country. And this member would like to clone you as a good prosecuting attorney and I am so grateful that you are here because you are just wonderful. But, could you summarize the rest of your testimony for us please?

Mr. TAYLOR. I think that that is the point I wanted to make is that if we are going to change attitudes, we cannot say that prostitution is OK for adults, pornography is OK for adults. People can violate all these laws and get away with it and, therefore, no one cares if someone else does it and no one looks at the problem. A good child pornography investigator is hard to find. We know that a good man who is involved with investigating, a good police officer with the adult porn industry, he knows how to get his hands on the child porn, he knows how the industry works, he knows how the mail works, he knows how the pedophiles contact each other. A good adult porn investigator can find a lot more child porn than an investigator that you say, go find child porn. I mean it is hard enough to find evidence on their most secretive activity.

Second of all, the prosecutor's have to be better at doing their job. They have to get convictions and you have to put pressure on judges to give penalties so that only 1 out of 10 does not end up going to jail. I think that the U.S. attorneys who have done cases in this country have been successful but there have not been enough of them. There have to be policy changes. Customs has turned around almost completely, they are doing a very good job now. Postal inspectors have not been given the right to bring their cases to the U.S. attorney yet. There is a big problem with the policy in the postal inspector.

The Department of Justice has changed their policies quite a bit and they are doing more but I think they have to—whether they need more money, I do not know what the problem is, but I think they have to be either encouraged or directed to put certain people on these kinds of cases and I think you have to do—Federal Government has to start doing White Slave Act cases.

If the FBI has no idea how the prostitution rackets in this country operate, how are they ever going to figure out what to do with child prostitution? In other words, street police officers, vice cops, they can tell you where the kids—which corners the kids are on because they know which corners the hookers are on. You know it is unrealistic to say, we can deal with only children if we are not dealing with the rest of the problem and I am convinced that if I

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could have done my job 10 years ago, there would not be any child pornography today. That is why I have never been all that upset about child pornography. I mean I hate it but I know that if I could put the major king pins of porno in jail, commercial child porn would disappear. And if I had good street cops making arrests for prostitution and locking up some of these rings, then you would not have the child prostitution and I think that is the way to get at this.

We have to stop making excuses. And we have to stop looking at child pornography and child prostitution as if it is some kind of a separate entity all by itself that we can deal with. It is part of that vice called commercialization of sex; it is part of the pornography industry and it is part of the prostitution industry. Thank you.

[Prepared statement of Bruce Taylor follows:]

PREPARED STATEMENT OF BRUCE TAYLOR, VICE PRESIDENT-GENERAL COUNSEL, CITIZENS FOR DECENCY THROUGH LAW, INC., PHOENIX AZ

OCTOBER 31, 1985.

To: The House Select Committee on Children, Youth, and Families.

Re: Effects of the pornography industry on the American Family and the sexual exploitation of children.

For the last 15 years in America, the pornography industry has had a definite and devastating impact on the stability of the American family and the relationship between men and women, and children. In the early 1970's, traditional organized crime families consolidated their influence and control over distributors and producers of pornographic magazines and films. By the mid-1970's, the production and international distribution of hard-core pornography was restricted to a relatively small group of men with ties in organized crime. These producers and distributors are referred to as the Pornography Syndicate and consist of film producers who are members of the Adult Film Association of America (AFAA) and an interlocking series of hundreds of corporations which are basically subsidiaries of two major distribution empires, Sovereign News Company (Cleveland) and Star Distributors (New York). This pornography syndicate and members of La Costra Nostra opened hard-core pornography outlets ("adult bookstores" and "adult theatres") in every major city and hundreds of small communities. Hard-core pornography is therefore available illegally in every state and to nearly every adult in this country. The influence of organized crime syndicates over pornography industry has been well documented by the Department of Justice, F.B.I., Attorney General of California, Pennsylvania Crime Commission, New York State Select Committee on Crime, and the major police departments in the country, especially in a cooperative report by the Metropolitan D.C. Police Organized Crime Unit in 1977.

It has been shown in certain communities that there is a statistical relationship between the existence of "hard-core" outlets and the incidence of sexual crimes, including rape, sexual assault, and child molestation. Official studies in Cleveland, Phoenix, and Los Angeles have verified that sex crimes are higher in those areas of a city where hard-core pornography is marketed. Statistics kept by the Michigan State Police prove that in at least 41 percent of sex crimes, pornography is used or imitated just prior to or during the violent acts. These statistics were compiled by the Investigative Resource Unit and were based on over 38,000 sexual assaults from 1956 to 1979. Retired State Police Lt. Darrell Pope reported that the ages of the sex assault victims was three months to 103 years old and the age of the offenders was 13 to 78. Lt. Pope also indicated that their records on the 38,000 sex crimes comprise probably three to five percent of the actual total number of sexual assaults in Michigan since 1956. A 1983 study of the University of New Hampshire found mathematical correlation between the consumption and readership of "men's magazines" which are pornographic and the incidence of rape in the United States. Many of the magazines available on newsstands and in convenience stores are explicitly pornographic and have changed from soft-core pictures ten years ago to hard-core pornography at the present time. Some of these magazines have been adjudicated obscene and in violation of both state and federal laws. *Penthouse* v. *McAuliffe*, 610 F.2d 1353 (5th Cir. 1980); *Penthouse* v. *Webb*, 594 F. Supp. 1186 (N.D. Ga. 1984); *State of Georgia* v. *Larry Flynt, et al.*, 1264 S.E.2d 669 (Ga. App. 1980); and *City of Belleville* v. *Morgan*, 376 N.E.2d 704 (App. Ct. Ill. 1978).

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It is my considered opinion that pornography has had a direct effect on the deterioration of moral values and therefore the attitude which men have toward women and adults have with children. Pornography has provided a message to the male population that women are valuable primarily as sexual entertainment and domination. The high incidence of divorce, adultery, venereal disease, homosexuality, and pedophila cannot be ignored as a fact of life in America. The widespread availability of pornography and the obvious and statistical effects that it has on sexual behavior and crimes is a significant factor in this change in the American family and sexual life-styles. The pornography industry creates a desire for its product by enticing the male population with the attractiveness of female nudity and mild forms of soft-core pornography.

Magazines such as Penthouse, Playboy, Hustler, High Society, etc., and the increasing sex and nudity in PG- and R-rated movies and the influx of pornography on cable and subscription television, are, in effect, "priming the pump", and advertising for harder types of pornography. The porn syndicate then capitalizes on this desensitization to "soft" pornography by providing more explicit hard-core pornography through "adult" bookstores and theatres and video stores. The increased tolerance of users of pornography then creates an escalation to a greater need for sexual stimuli to achieve a similar erotic or sexually violent response. This creates a market for, and a consumption of, more violent and deviant forms of hard-core pornography, including sadomasochism, rape, incest, deviant practices, and child pornography. The extremely alarming growth of child pornography is a natural outgrowth of this progression and is caused by a total debasement of women as human beings. In the mind of rapist and child molesters who have gone through the process of "desensitization" and "escalation", women are thought of as sexually immoral and a threat. The loss of innocence of women and the loss of affection in the sexual relationship leads these men to seek a perverted sense of innocence and fulfillment by turning to children as the last innocent and affectionate sexual partners. In my opinion, this is analogous to the Oedipus Complex where men seek to sexually reestablish a relationship of affection that is maternal in nature. Since the general population of women are portrayed in pornography of immoral and purely pleasure seeking, these men seek the innocence and maternal purity of children as the standard of love and interpersonal relationship that is remembered from their own childhood experiences with their mothers. They are, in effect, reversing their need for affection by perverting the last innocent sexual partners available, which are children. Pornography is the major "educational" factor in destroying in innocence and purity of women and the affection and privacy of sexual relations.

In my experience as a prosecutor from Cleveland, Ohio, from 1973 to 1978, and in supervising over 600 obscenity cases, and by my trial experience of 40 obscenity jury trials in Cleveland and some 20 obscenity jury trials in several states since 1978, I see the effect of the pornography industry and individual sex crimes as well as the method of operation and increased influence of organized crime in this business. The business is violent, corrupt, and totally out of control. Increased prosecution efforts must be made by city and state law enforcement agencies to restrict the local distribution of hard-core pornography and the open sale and display of softer forms of pornography. The lack of enforcement, since 1973, of federal obscenity statutes and child porn statutes must also be reversed. The Pornography Syndicate has become too wealthy, powerful, and influential for local enforcement alone. Organized crime (LCN) families are laundering billions of dollars a year through the pornography syndicate. Many misguided and callous sexologists and researchers are replacing common sense and scientific methods with personal opinions and sexually libertine philosphy. The ACLU, many entertainment figures, and media figures and reporters are coming to the aid of the pornography industry by confusing the American public into believing that there are either no laws against obscenity and pornography or that any attempt to pass new or stronger laws or enforce existing laws amounts to censorship and is a violation of the First Amendment. The United State Supreme Court has held on every occasion that obscenity is not protected by the First Amendment and that enforcement of existing laws against obscene publications and films is neither prior restraint nor an act of censorship. See especially: *Paris Adult Theatre* v. *Slaton*, 413 U.S. 49 (1973).

One of the best summaries of the problem of pornography, organized crime, and the need to increase general enforcement rather than concentrate only on child pornography is set out at pages j and k of a 1978 report by the FBI entitled, "The Extent of Organized Crime Involvement in Pornography". The FBI concluded as follows:

"It is the impression of Special Agents of this Bureau doing field investigations that there is a national pattern of inconsistent enforcement of pornography laws

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throughout the United States. Many of the state and local ordinances are ineffective and, when convictions are obtained, which are usually difficult in each instance, the sentences directed at individuals are usually light and ineffective and do not act as a deterrent. The financial rewards to pornography peddlers far outweight the chances for arrest, conviction, and fine. There appears to be complete agreement nationally that prosecution should be pursued vigorously against child pornographers; however, if total emphasis is given to the child pornography area, this could give the impression that law enforcement condones adult homosexual and heterosexual obscene films and magazines, and the flow of these materials will continue unabated, producing enormous profits for organized crime and their associates.

"There are numerous possible explanations for what appears to be almost total apathy in some areas of the United States concerning adult pornography matters, and a number of FBI offices have reported that people seem to feel that as long as it does not involve or bother them personally, 'let it alone,' and if an individual wants to spend money on films and magazines of an obscene nature, it should be his prerogative. A number of our field offices, in contact with local police authorities, have obtained information that the majority of individuals arrested on sex-related criminal offenses have in their possession at the time of arrest some type of pornographic material. In one large western city, the vice squad advised that 72% of the individuals arrested for rape and child-related sexual offenses had in their possession some type of pornographic material.

"It was the usual opinion of the police and prosecutors interviewed during the course of the survey that pornography matters have an extremely low priority, and on several reasons: the complicated nature of the cases, inexperienced prosecutors, highly skilled and organized first amendment defense specialists, resultant 'fear' of losing the cases and, as mentioned previously, the light and ineffective sentences. Even if successful, there frequently is a willingness on the part of prosecutors to plea bargain and allow corporations to plead guilty as opposed to the individuals involved, resulting in relatively small fines rather than incarceration.

"In conclusion, organized crime involvement in pornography, as evidenced by this survey, is indeed significant, and there is an obvious national control directly and indirectly by organized crime figures of that industry in the United States. Few pornographers can operate in the United States independently without some involvement with organized crime. Only through a well-coordinated all-out national effort from the investigative and prosecutive forces can we ever hope to stem the tide of pornography. More importantly, the huge profits gathered by organized crime from this area and then redirected to other lucrative forms of crime, such as narcotics and investment in legitimate business enterprises, is certainly cause for national concern even if there is community apathy toward pornography.

There are many solutions which must be attempted if we are to reverse the violent and sexually destructive trends now seen within and without the American family. Stronger laws are needed to protect minors from pornography and exploitation, to restrict prostitution, and to increase the penalties for traffic in obscenity. The FCC and the Department of Justice must enforce the standards of indecency and obscenity in cable and subscription television to prevent the pornography industry from successfully providing hard- and soft-core pornography within the home. Crisis centers and homes for runaway and abused children and women must be created and funded properly. Responsible and moral sex education and concepts of interpersonal relationships must be part of the educational system. Finally, law enforcement agencies must coordinate and cooperate in joint local, statewide, and federal levels in the investigation, study, and prosecution of obscenity and child pornography cases. Law enforcement can and must play a major role in restricting the sexual exploitation and pornography industries. By this effort an example would be set which would change public attitudes as well as reduce the individual occurrences of violent sex crimes. I am convinced that as long as the pornography industry is allowed to teach sexual perversion, violence, and the exploitation of women and children as sexual entertainment, American society will never achieve a thoroughly stable family structure based on mutual respect, affection, and obedience to legal and moral principles.

Mrs. BOGGS. Thank you so much, Mr. Taylor. And now we will hear from someone who deals with this problem locally. Detective.

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STATEMENT OF STEVEN FINKELBERG, DETECTIVE, METROPOLITAN POLICE DEPARTMENT, WASHINGTON, DC

Mr. FINKELBERG. Thank you. I wish I went before Mr. Taylor. Madam Chairperson, members of the Select Committee on Children, Youth and Families, I appreciate the opportunity to be here today for the purpose of discussing my own experiences about how children and young teenagers can be exploited for criminal purposes by older teenagers and adults and what measures can be employed to effectively address the problem.

I am an 18-year veteran of the Metropolitan Police Department, 16 years assigned to the drug enforcement in general and the last 3 years with the youth offenders in particular. The local problems in drug enforcement related to youth offenders are multifaceted. Today, drug abuse among youth has reached epidemic proportions within the District of Columbia. Even more frightening is the number of youths taking an active part in the wholesaling of distribution of controlled substances.

In the past, young people mainly experimented with marijuana or alcohol. Today they experiment with PCP, probably the most dangerous substance being abused by young people. The most common list of substances being abused by teenagers in the District of Columbia is marijuana and marijuana laced with PCP or PCP laced with other substances. Cocaine used by young people is on the increase but the cost of the drug still prohibits many young people from experimenting with or abusing this substance.

This increase has occurred almost simultaneously with the appearance of $10 shooters or businessman special on the streets of the District of Columbia. Some of the reasons for the popularity of marijuana and PCP outside of low cost and availability of the drugs is society's view through the movies, television, and music that marijuana is a harmless drug. Since PCP is generally laced on marijuana, young people accept the dangers associated with PCP in the same light with marijuana.

PCP is without a doubt the most dangerous of listed substances being abused today. PCP is a danger not only to the physical and mental well being of the abuser but also a physical danger to innocent people coming in contact with a young person under the effects of PCP. No one can predict with certainty how a user will react while under the influence of PCP. Many youths within the District of Columbia become involved in drug abuse and the distribution of drugs for various reasons. A few of these reasons are other family members being involved in drugs, associates, a peer group pressure, idolization, the glamorous aspects of the drug culture, coercion, and the oldest as far as distribution is concerned, greed.

Many adult drug traffickers prefer to utilize young people in the distribution of illicit substances because juveniles receive lenient treatment from the courts. Even if the adult and the juvenile are arrested together, their respective cases are separated and the juvenile in the majority of the cases will take the fall for the drugs and testify that the adults had no involvement.

In addition, trying the case without all the conspirators present in many cases hinders adequate presentation of the facts to the

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jury. Another reason for the utilization of juveniles is, they are easy to control by fear, intimidation and may lessen the possibility of being doublecrossed by an associate or subordinate. In addition, juveniles open new markets for the distributor that would be closed to an adult such as schools, teen groups, parties, et cetera.

I would like to emphasize that young people are well aware of the consequences surrounding their involvement and basically are looking for the easy buck. However, there are exceptions to every rule. In 1984, we encountered one of these cases involving coercion. The police department received information that a drug distributor was staging false holdups in order to trap young people into being subordinates in his drug distribution network. According to the reliable information, the juvenile was paid $50 to deliver a bag containing a large sum of money to someone at a hotel on New York Avenue, NW. When the taxi stopped and the juvenile was on his way to the room to drop off the bag of money, he was robbed at gun point. When he informed the distributor about the robbery, he was threatened with a gun and informed he would have to work off the debt or else as repayment.

The juvenile was given heroin everyday to sell in order to work off his debt. In 1983, we encountered the "ET" case. In the District of Columbia, brand names were placed on street bags of heroin in the form of advertising their product. In 1983, we found ET was a brand of heroin being sold in the 14th and W Streets, NW., area. Through an investigation, it was found that juveniles were being used similar to a job corps. Teenagers were used to hold and sell drugs and were recruited on a daily basis. There were two shifts, a day and evening shift. The juveniles received $5 a bag for each sale.

This case resulted in the arrest of four adults. At the time the case was closed, the juvenile was present with the adults and seized with 1,100 bags of heroin. Another case involved a heroin ring in the Northwest, they used juveniles as lookouts when they sold their dope on the street. They employed five to eight kids a day and provided motor bikes for the older kids and pedal bikes for the young ones, 9 to 10 years of age. Other cases involve young girls to sell or hold for drug distributors since females are more difficult because of a male/female relationship and present a searching problem to the police officer on the streets.

A case 2 years ago had a man using a 6-year-old to walk over to the customer and deliver the controlled substance, Preludin, to the customer while the adult looked on. Another incident involves dealers that purchase two or three Honda 250cc dirt bikes for the juveniles to deliver PCP for them.

As far as the schools are concerned, the District of Columbia Public School System cooperates fully with the Metropolitan Police Department, allows us to place undercover officers in the schools posing as students. Presently, there are four police officers in the District school system working in undercover capacity. The purchases are generally made from juveniles or young adults who work for adults.

I would like to clarify that, in almost all cases, youths involved in drug traffic for profit are aware of what they are doing. Teenagers know that money talks and they want to make a fast buck.

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For this reason, it is easy to enlist juveniles to sell, transport, or get a commission or just get their supply from them. With the exception of marijuana, I would say that ultimately all juveniles get their supply whether for resale or use from an adult.

Although drugs will not go away and greed will always be in our society, steps can be taken to fight the drug problem. The schools do have drug awareness programs but they should start at an earlier age. Drug abuse should be taught starting in the first grade. This would be light, general education and would increase every year. Parents should be educated to the signs and effects of drug abuse. PTA's would be an excellent place to serve as a training vehicle. Education is the key and a combined effort by Government and private agencies may be another key.

If the media or music industry could curtail their dramatization of drugs, it would help youth. In the long run, this would be beneficial. I also have an attachment of the arrests for the juveniles for 1984 in the District of Columbia and the charges and age groups and schools they attended. Thank you.

[Prepared statement of Steven Finkelberg follows:]

PREPARED STATEMENT OF STEVEN S. FINKELBERG, METROPOLITAN POLICE DEPARTMENT, DETECTIVE II, WASHINGTON, DC

Madam Chairperson, members of the Select Committee on Children, Youth and Families, I appreciate the opportunity to be here today for the purpose of discussing my own experiences about how children and how young teenagers can be exploited, for criminal purposes, by older teenagers and adults and what measures could be employed to effectively address the problem.

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The local problems in drug enforcement relative to Youth Offenders are multifaceted. Today, drug abuse among youth has reached epidemic proportions within the District of Columbia. Even more frightening is the number of youths taking an active part in the wholesaling and distribution of controlled substances. In the past, young people mainly experimented with marijuana or alcohol. Today, they experiment with PCP, probably the most dangerous substance being abused by young people. (See Attachment A)

The most common illicit substances being abused by teenagers in the District of Columbia is marijuana and marijuana laced with PCP or PCP laced on other substances. Cocaine use by young people is on the increase, but the cost of the drug still prohibits many young people from experimenting with or abusing this substance. This increase occurred almost simultaneous with the appearance of $10.00 shooters or businessman special on the streets of the District of Columbia.

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testify that the adult had no involvement. In addition, trying the case without all the conspirators present, in many cases, hinders adequate presentation of the facts to the jury.

Another reason for the utilization of juveniles is that they are easy to control by fear, intimidation, and may lessen the possibility of being double-crossed by an associate or subordinate. In addition, juveniles open new markets for the distributor that would be closed to an adult, such as schools, teen groups, parties, etc.

I would also like to emphasize the young people are well aware of the consequences surrounding their involvement, and basically are looking for the "easy buck". However, there are exceptions to every rule.

In 1984 we encountered one of these cases, involving coercion. The police department received information that a drug distributor was staging false holdups in order to trap young people into being subordinates in his distribution network. According to the reliable information, the juvenile was paid $50.00 to deliver a bag containing a large sum of money to someone at a hotel on New York Avenue, N.W. When the taxi stopped and the juvenile was on his way to the room to drop off the bag of money, he was robbed at gunpoint. When he informed the distributor about the robbery, he was threatened with a gun and informed he would have to work the debt off or else. As repayment, the juvenile was given heroin everyday to sell in order to work off the debt.

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Another case involved a heroin ring in N.E. Washington that used juveniles as lookouts while they sold their dope on the street. They employ 5 to 8 kids a day and provide motor bikes for the older kids and pedal bikes for the young ones, about 9 to 10 years of age.

Other cases involve using young girls to sell or hold for drug distributors, since females are more difficult because of the male/female relationships and present a searching problem to the police officer on the streets. A case two years ago and a man using a six year old to walk over to the customer and deliver the controlled substance (Preludin) to the customer, while the adult looks on. Another incident involves dealers that purchased 2 or 3 Honda 250cc dirt bikes for juveniles to use in delivering PCP for him.

As far as the schools are concerned, the District of Columbia Public School System cooperates fully with the Metropolitan Police Department and allows us to place undercover police officers in the schools, posing as students. Presently, there are four police officers in the District school system in an undercover capacity. The purchases are generally made from juveniles or young adults, who work for adults.

I would like to clarify that in almost all cases, youths involved in drug trafficking for profit, are aware of what they are doing. Teenagers know that money "talks" and they want to make a "fast buck". For this reason, it is easy to enlist juveniles to sell, transport or get commission, or just get their supply from them. With the exception of marijuana, I would say that ultimately all juveniles get their supply, whether for resale or use, from an adult.

Although drugs will not go away and greed will always be in our society, steps can be taken to fight the drug problem. The schools do have drug awareness programs but they should start at an earlier age. Drug abuse should be taught starting in the first grade. This would be light, general education and would increase every year. Parents should be educated as to the signs and effects of drug abuse. PTA's would be an excellent place to serve as a training vehicle. Education is the key and a combined effort by government and private agencies may be the key. If the media or music industry could curtail their dramatization of drugs, it would help youth. In the long run, this would be beneficial.

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Juvenile arrest for the months of January thru December, 1984

Narcotic Branch

Det. Ronald L. Robertson
Narcotic Branch
January 7, 1985

Det. Steven S. Finkelberg

Juvenile Arrests for the months of January thru December, 1984.

CHARGES	TOTALS
UCSA--Possession of Cannabis	179
UCSA--P.W.I.D. Cannabis	109
UCSA--Distribution of Cannabis	70
UCSA--Possession of P.C.P.	103
UCSA--P.W.I.D. of P.C.P.	137
UCSA--Distribution of P.C.P.	113
UCSA--Possession of Cocaine	5
UCSA--P.W.I.D. of Cocaine	29
UCSA--Distribution of Cocaine	12
UCSA--Possession of Heroin	5
UCSA--P.W.I.D. of Heroin	6
UCSA--Distribution of Heroin	13
UCSA--Possession of Preludin	2
UCSA--P.W.I.D. of Preludin	2
UCSA--Distribution of Preludin	4
UCSA--Possession of Valium	2
UCSA--P.W.I.D. of Valium	1
UCSA--Distribution of Valium	0
CSA--Possession of Ritalin	0
CSA--P.W.I.D. of Ritalin	1
CSA--Distribution of Ritalin	0
CSA--Possession of Drug Paraphernalia	2

Detective Ronald L. Robertson

1/7/85

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT
MORALS DIVISION FILE REPORT

P.D. 854A Rev 4/74

REPORT OF INVESTIGATION (Continuation) | DATE: January 7, 1985 | UNIT: Narcotic Branch

FILE TITLE: Juvenile Arrests for the months of January thru December, 1984. | I. D. NUMBER:

Kelly Miller Jr. H.S.	2	Bruce Monroe Sr. H.S.	1
Einstein Jr. H.S.-MD.	1	Mark Twain Sr. H.S.	1
Hamilton Jr. H.S.	11	Woodrow Wilson Sr. H.S.	4
Patterson Jr. H.S.	3	Ballou Sr. H.S.	12
Evans Jr. H.S.	1	H.B. Carver Adult Educational	1
Garfield Jr. H.S.	1	Parkdale Sr. H.S.	2
Lackey Jr. H.S.	1	Phelps Vocational	7
Burdick Backus Jr. H.S.	1	Bladensburg Sr. H.S.	1
Kramer Jr. H.S.	1	Jefferson Sr. H.S.	1
Bundy Jr. H.S.	2	Carroll Sr. H.S.	1
Brown Jr. H.S.	2	Radnor Sr. H.S.	2
Buchanan Jr. H.S.	1	Learning Operation Center	1
Francis Jr. H.S.	2	Congress Heights-MD.	1
Hart Jr. H.S.	18	Mt. Blair	1
Woodson Sr. H.S.	27	Edison	1
Friendship Vocational	7	Mt. Herban	1
Armstrong Vocational	20	City Youth Services	1
Franklin Adult Educational	15	Herdon Sr. H.S.-Va.	1
Springarn Sr. H.S.	32	Gorden Center	1
D.C. Street Academy	6	City Light Vocational	1
Cardoza Sr. H.S.	40	Williamsburg-Arl., Va.	1
Coolidge Sr. H.S.	24	Penn Vocational Center	1
Crossland Sr. H.S.	1-MD.	McLean Sr. H.S.-Va.	2
Center for Youth Services	2	Oxon Hill Middle-MD.	1
Roosevelt Sr. H.S.	19	Archbishop Carroll	1
Capt. Luthern Sr. H.S.	1	P.G. Community College-MD.	1
Bell Vocational	7	Suitland Sr. H.S.-MD.	1
Eastern Sr. H.S.	7	Friendly H.S.-MD.	1
Dunbar Sr. H.S.	18	Central	1
McKinley Sr. H.S.	15	Green Vocational	1
T.C. Williams Sr. H.S.	2	Jafferson Jr. H.S.	2
Anacotia Sr. H.S.	12	Glen Park Middle-MD.	1
Falls Church Sr. H.S.	1-Va.	Highland GED	1
East Roosevelt	1-MD.	Largo H.S.-MD.	1

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT
MORALS DIVISION FILE REPORT

PD 163 (Rev 8-79)

REPORT OF INVESTIGATION (Continuation)	DATE: January 7, 1985	BRANCH: Narcotic Branch
FILE TITLE: Juvenile Arrests for the months of January thru December, 1984		I. D. NUMBER

UCSA--Possession of Dilaudid---------- 0
UCSA--P.W.I.D. of Dilaudid---------- 2
UCSA--Distribution of Dilaudid---------- 1

OTHER CHARGES

Robbery Fear----------2
Burlary II----------4
Disorderly Craps----------2
CPWL----------3
ADW----------1
Breaking & Entering----------1
Simple Assault----------1
Reckless Driving----------1
Failure to Pay Fare----------1
Destruction of Property----------5
Hit & Run----------1
UPP----------1
Nat'l Firearms Act----------2

AGE GROUPS — TOTALS

11 yrs.	12 yrs.	13 yrs.	14 yrs.	15 yrs.	16 yrs.	17 yrs.
1	2	15	44	93	198	248

Males Arrested----------567
Females Arrested---------- 41
Total Arrests for the Months of January thru December, 1984---------608

Undercover Police Officer Purchases----------151
Money Seized----------$16,351.00

Arrests outside of school----------600
Arrests in school---------- 8

GRADES

6th	7th	8th	9th	10th	11th	12th	Not Attending School
4	26	62	88	126	63	50	136

SCHOOLS RESPONDENTS ATTENDING

Gidding Elementary---------- 1
River Terrace Elementary---------- 1
Emery Elementary---------- 1
Lincoln Jr. H.S.----------13
Garnett Patterson Jr. H.S.---------- 7
Douglas Jr. H.S.---------- 7
Hine Jr. H.S.---------- 6
Langley Jr. H.S.----------10
Roper Jr. H.S.---------- 7
Chelesea Jr. H.S.---------- 2
Somereo Jr. H.S.---------- 1
Taft Jr. H.S.---------- 9
McFarland Jr. H.S.---------- 7
Paul Jr. H.S.---------- 2
Fletcher-Johnson Jr. H.S.---------- 5
Shaw Jr. H.S.----------10
Terrell Jr. H.S.----------10
Woodson Jr. H.S.---------- 6
Friendship Jr. H.S.---------- 3
Acton Jr. H.S.---------- 2

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT
MORALS DIVISION FILE REPORT

P.D. 854A Rev. 6/71

REPORT OF INVESTIGATION (Continuation)

DATE: January 7, 1935

BRANCH: Narcotic Branch

FILE TITLE: Juvenile Arrests for the months of January thru December, 1984.

I. D. NUMBER:

MORE OTHER CHARGES:

Fugitive on a Warrant	1	Receiving Stolen Property	1
UUV	16	Unregistered Firearm	1
CDW-Knife	2	Unregistered Ammo	1
Disorderly Conduct	8	Shoplifting	4
Theft II	7	No D.C. Permit	2

DISTRICT BREAKDOWN

1D	2D	3D	4D	5D	6D	7D	MD	Metro Tran. Police	Rope Unit	CP
74	12	81	71	71	60	114	92	7	1	1

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PAGE 4 OF 4 PAGES

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Mrs. BOGGS. Thank you very much, Detective Finkelberg. It was excellent testimony and the attachment is very revealing. We certainly do thank you. Mr. Coats.

Mr. COATS. Well, I want to thank the panelists for some very good testimony. It occurs to me, Madam Chairman, that we are just scratching the surface here. There is a lot more that this committee and panel can learn about, particularly from the organized standpoint that Mr. Taylor was discussing. I would hope that we could pursue this, perhaps even hold a followup hearing. I would like to share some of the testimony that we have just heard with some of the other members of this committee who, because of the hour, were not able to stay and hear it.

I was particularly interested, Mr. Berg, in your characterizations and categorizations of the child abuser. That was enlightening because we are struggling to classify offenders. We need to do that in order to provide proper remedies for dealing with the problem, both from an enforcement standpoint and from a treatment standpoint. Your testimony there has been very helpful in that regard. Mr. Taylor, you have given us some very practical, specific things that we can do. We continually struggle in Congress, saying, "Well, yes, thank you for alerting us to the problem; now what do we do?" And you have given us some very practical things that we can do right away. I particularly appreciate your forthrightness and candidness in doing that.

And, as our last witness, Detective Finkelberg, I think you have graphically brought home to us some of the dynamics of what we are dealing with here in a city that we all represent in a sense. That information is also very, very helpful to us.

I want to reiterate and reaffirm some of the things that Mr. Taylor has said. Mr. Taylor, you have made it clear that while it is difficult for us at the Federal level to reach into and see into the home where the father or the stepfather is sexually abusing a child or to discover the child abusing pedophile who is the quiet, nice guy down the street that no one would ever suspect, there is still plenty that the Federal Government can do to protect children.

You have brought to our attention the extent of organized crime in this problem. You have specifically indicated certain cities around the country that are involved in the marketing and production of pornographic material. You have given us some specific steps of what you have done that has brought about tangible, immediate results. And I think, based on this, we ought to move ahead. We know what is happening; we know who is involved; we know where it is going on. We have got to take action, and we have got to take it now. And, I really hope that this committee will lead the way in Congress in bringing this to the attention of all of our colleagues in making stiff, solid, firm recommendations as to what this Congress should do.

Madam Chairman, I know this is an area in which you are deeply interested. I hope we can go forward from here; not just have a hearing and put out a nice report saying, "Isn't this a terrible problem!" I hope we really take the lead in this Congress in doing something about it. We have been given some specific things to do. We can rally in a bipartisan manner and do these things.

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And I appreciate not only the testimony we have heard, but also the Chair's great interest in this. I certainly look forward to working with you to taking some action steps to do something about this problem. Thank you.

Mrs. BOGGS. Thank you very much, Mr. Coats. Mr. Smith.

Mr. SMITH. I will be brief, Madam Chairman. I know you are under considerable time restraints here. I was particularly interested in your remarks, Mr. Taylor regarding sentencing guidelines. If you had anything specific that you could submit in terms of recommendations along those lines either to the committee, or to the committee so that at least I could see them, I would certainly be interested in perhaps drafting legislation along that line.

Just one quick question that I have of you, is not there—a difficulty here in the sense of Federal legislation superimposing itself upon the States of course in terms of who should draft it and who is responsible for it. Do you have any recommendations how to get around that quickly?

Mr. TAYLOR. Yeah, that is a problem because obviously the Federal courts are not involved in a lot of the local problems that these gentlemen are talking about. And we cannot expect the Congress to solve this whole problem. If the Congress does what it can do however, I think you will pick up on the local level. Like I said before, even just as an attitude thing, if the Federal Government was doing real good things on drugs, I think that the city police officers might be able to do more on the local street level. If there is white slave interstate traffic in Federal court, maybe the city police officers would treat prostitution more important. And if there was some Federal enforcement of obscenity, maybe the locals would pick up the slack.

One of the things that exist is that when you finally do have jurisdiction over a child abuse case where pictures were then sent through the mails or something and therefore you do have Federal cases on a few child abuse type cases. I mean there have to be pictures taken but there are instances where that happens where the Federal people can be brought to court involving actual abuse of children.

If the penalty structure is changed, the discretionary guidelines that now exist for Federal judges are changed to say that instead of having the Federal judge consider to give the guy leniency, have the Federal judge have to consider giving him jail time for those offenses where, and then you can specify, violations of these statutes are involved. And you can specify that they are the child pornography and the child sexual abuse statutes so that when the judge gets to the point where he is saying, he is a nice guy, he is a nice guy, he has only been convicted once before, then instead of saying, well, we have a better program and my job now is to decide why I should not put him in the better program if we change the guideline to say, he has been convicted before and these are the important statutes and the guy knew that this was the penalty. Now my job is to try to find out why I cannot put him in jail.

I mean it is a subtle difference. The Federal guidelines on sentencing can be changed to give the presumption that he should go to jail on a second or third offense instead of that he should stay out on a second or third offense. And so, that can be done to effect

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the Federal crimes. Another thing is that there is a copy-cat thing that goes on around the country. If the Congress passes certain kinds of statutes dealing with substantive law like you do with obscenity and hijacking and other things, the States parrot that. RICO is now being picked up in many States. They will pick up on this concept.

Another thing you could do, change the pleas from guilty, and innocent to guilty, innocent and guilty by reason of insanity instead of innocent by reason of insanity. If a guy says, yeah I did it but I was insane then the Judge can say, OK, you are sentenced to 4 years but you are not sentenced to a prison, you are sentenced to a hospital. People like the doctor on my right cannot treat if you cannot hold them and if somebody is innocent by reason of insanity and you put them in an institution where the staff has almost an incentive to cure him to show how smart they are. In 2 years these people get out, they do not really have a chance to develop proper treatment programs. So if a person is convicted of a crime but he does have serious mental problems, then the Government has the duty to treat him while he is in prison, not just treat him and release him.

And so I think the change of the plea to guilty by reason of insanity or guilty but insane or one of those variations would do a whole lot to remove that abuse of the whole insanity and it would allow us to develop treatment programs and to find out what is wrong with these people once we do catch them. So those kinds of things would be picked up by the States also, so that kind of leadership by the Congress even though you cannot deal with all the little street level aspects of this crime will trickle down and will have I think a serious effect.

You know like I said, if the Feds were serious, they would get tough and if the locals see the Feds getting tough, they will get tough.

Mr. SMITH. If you have anything like that that you would like to offer specifically in terms of recommendations to the committee, I certainly would appreciate that.

Mr. TAYLOR. We would be glad to, sir.

Mr. SMITH. I would appreciate that. Thank you, Madam Chairman.

Mrs. BOGGS. Mrs. Johnson.

Mrs. JOHNSON. I would just like to say that from the testimony I have heard and the testimony I have read from today's hearing, the job that you have done both in documenting the degree of violence and the exploitation, the seriousness and the extent of the problem really is very impressive, I will simply join my colleagues in offering all who have testified the opportunity to submit more specific recommendations having thought about your experience in the context of everyone else's.

It is extremely important that we take action but it is not easy up here to take action. And it is particularly not easy to take action that reflects reality. I would just simply associate my remarks with others in the panel that any specific language or ideas that you want to bring forward in the next few weeks, I know that the chairlady and the committee members are always most interested in that kind of assistance. Thank you.

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Mrs. BOGGS. Thank you very much, Mrs. Johnson. We are very grateful to all of you for your testimony and there were a few things that I would like to ask. Mr. Berg, I was so interested in the Chesapeake Institute and the remarkable work that you are doing. How do the patients pay for institute care including the offenders?

Mr. BERG. I would say that that has been an ongoing problem not only in our community here but all around the country. How do people pay for the kind of therapy that we are talking about. We are looking at long-term treatment, whether it is for offenders or victims or families. The Chesapeake Institute has done some fund raising to try and develop some funds for people that would be available.

I understand that there will be some victim assistance moneys that will be available as they are distributed to States and I hope that will be available. Right now however, there are very few resources, monetary resources for people. Insurance programs in some instances will help cover benefits. In other instances, people have to pay whatever they can pay. The Chesapeake Institute for instance has a series of positions or "slots" for families that come in. We have a sliding scale in a sense so that we can provide services for people based on their financial need.

Mrs. BOGGS. What about the offenders?

Mr. BERG. Excuse me?

Mrs. BOGGS. Offenders, how do you treat——

Mr. BERG. Offenders are very much in the same situation. We do work with Juvenile Services Administration in the State of Maryland to provide some contracts for juvenile offenders. However, adult offenders for the most part, out of necessity, need to pay for their services themselves.

There is also a program called Parents United which we help support in our county which provides very low cost, in some instances free support and self-help and therapy groups for offenders, for children, for nonabusing parents and for adults who were molested when they were children. So there are some creative ways that communities can help to maintain some of these resources.

Mrs. BOGGS. I would thank you very much. Mr. Taylor, in your written testimony I was very interested to see that you felt very strongly that we should for instance have more shelters for battered women. Would you elaborate on that a little bit?

Mr. TAYLOR. Madam Chairman, I think that there have to be places where police officers who go into a home situation and find a woman that has been beat up by her husband or a girl who has been beat up by her pimp or that sort of situation as well as for adults and children alike to be able to be taken. Now right now, I think the best jobs are being done by privately funded organizations like Covenant House in New York does with children, like Odyssey Institute does in New York with prostitutes and adult women. I think that the Congress although obviously you cannot pay to have homes—runaway homes all over the country, you could have tax incentives, you could have people in the Federal Government in one of the Health and Human Services Departments or someone who go around and find out what is good about the existing private programs and then make their knowledge of the other private programs available to different communities.

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If you had a Federal educator who went around to different cities and talked to their local people and said, this is how you could start a Covenant House privately, this is how you could start an Odyssey Institute privately. I think that that has always been a problem for our police officers. What do you do with these people, you have to leave them there and the husband is probably going to get out of jail on bond in an hour, so what do we do with them. So I do think we need more for children and women. I do not necessarily think it should be Government operated because I think the best jobs are always done either locally or privately. But there are things that could be done with the tax laws or with education that would make it easy.

People just do not know how to start. They do not even know that they could start them and I think that just telling them that you could start it, the YMCA's, the Salvation Armies, if they were told how to start and how to fund these operations would do that job for us without any tax money or without a big part of involvement by the Federal Government other than facilitating the information.

Mrs. BOGGS. The other question that I would like to propose to you that is also included in your written testimony which I read with great interest was that you seem to feel that there should be some type of sex prevention education programs in schools or perhaps that could identify the kids. Do you feel that if there is this type of prevention, sex prevention education that it helps in later years for the young people to come forward and to reveal their own abusive situation?

Mr. TAYLOR. I think very definitely. You would see the same kind of thing happen with child abuse that we have seen happen with women, adult rape. I think there is much more rape going on in this country now, the statistics are so much higher that it cannot be just over reporting or under reporting previously. Kids would if they were told what this problem was and there have been some good education programs, all of them to this point have been private. But one of the things that has been most helpful in individual cities that have taken initiative of their own. For instance, little cities like North Ridgeville, OH, they have a Safe Kids Day and everybody comes down and the police department photographs the kids and they fingerprint them and they take their medical things and they give them a card, whatever. They have seminars for the parents and then they have separate seminars for the kids. The policemen go to the schools, they address every grade at least once a year.

Now, many communities are doing this on their own but not enough obviously. One of the ways that the Federal Government could get involved in kind of fostering or encouraging this would be to have people like the postal inspectors, the Custom's inspectors and the FBI agents make it a point, just make sure they visit every classroom, every class and every school at least once a year as a representative to explain Federal narcotics laws, the problem of narcotics, prostitution laws, problem with prostitution, pornography laws, problem with pornography, sexual abuse of children, what it is, what to do about it. Explain to them what kinds of the child lures are going to be used on them and where to go for help.

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And make them see a law enforcement officer in person instead of just hear about them in the street as these goofy—you know the pigs.

I mean police officers, they have this siege mentality that they operate in a private world of their own and we impose that on them I think more often than not because we avoid them and since we avoid them, our kids never get to see them. We do not think of Officer Bob on the street corner anymore because he is not there; he is in a car or he is in a police station. And we have to I think get them back into the classroom so they can see a copy and to see that he is really a person, kind of like people that they like and he is not just that kind of person that the kids talk about as the guy that is trying to catch you when you are trying to have fun.

The Feds could take the initiative in that regard. If each FBI and Customs and Postal Office had to split up the schools within their jurisdiction and make sure that every class gets visited at least once a—that is not a big job, they could do that on their spare time. That could be done through the Federal Criminal Investigator's Association or the FBI Agents Association. There are ways to do it so that it would not cost any money at all and it is an education program that would be wonderful.

I mean that kind of sex education is absolutely necessary. Sex education programs, just the ones that teach what sex is all about are important too but I do not think it is necessary for the Government to do it. They know that before they get out of fifth grade. I mean I knew it when I was 10 years old and I am sure the kids now know it when they are younger. My daughter knows it and she is 6 and we were not the first to tell her and that scares me. However, children do need to have sex education that says, you have a right to control your own body, you have the right to maintain your own respect, chastity is not a bad thing. You are supposed to say, no, you are supposed to wait until somebody has enough respect to make a commitment to you. We could teach values and we could teach kids the right to say—to make those choices rather than just teach them the gynecological or the physical—we should not teach kids how to put on prophylactics or how to have oral sex. I mean that is what they already know.

What we should teach them is when they should do that and why they may not have to do it and why it may be proper for them to insist that their boyfriends do not demand that or that boys do not demand that of the girls. I mean we should be teaching respect as part of sex education rather than just mechanics. That is something the Federal Government has a lot of control over, the sex education programs. I mean I have seen some of the movies that they use, if it did not have the title "Sex Education, Department of Education" on it, I could have gotten a conviction in Cleveland Municipal Court on it.

Mrs. BOGGS. I sometime chide my colleagues privately that if they do not stop being so explicit in their floor statements, we are going to get rated X on television. But I am joking of course. Mr. Finkelberg, you feel that the exploitation of young people in the area of drugs and drug trafficking takes place of course because of the feeling of greed and earning fast bucks on their part but also because young people really open up a whole new market to drug

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traffickers and especially in the schools and school parties and so on. Do you feel that there should be more education in the schools and this type of exploitation of young people?

Mr. FINKELBERG. I feel there should be more education. We are looking into programs to start earlier. But, the school's—big problem we have is marijuana and PCP and I feel if you start teaching the kid younger, there is less chance—just say no, we are better off. But, the kids do make money but it is easy to enlist them so to speak. They like money. Once they get in the system, they are cornered and it is hard to get out. And we receive complaints all the time where the kid messes up the bag or he is short a couple dollars and the parents call up, he cannot go to school tomorrow, the man is looking for him, he has threatened him and the problem we have is with the child will want to testify. They do get caught up in it, they are looking for money but once they are in their system, it is very hard to get out.

Mrs. BOGGS. And, do the teenagers sometimes exploit the young children in school?

Mr. FINKELBERG. Yes. They have—usually it is the older student who is selling for somebody else. He is the senior in high school, the 18-year-old and he will have a couple selling for him. They are usually 16-, 17-year-olds. And when he does graduate, if he does graduate—we had one 22 years old still going to school 2 years ago. If he does graduate, the 17-year-old takes his place and enlists some more.

Mrs. BOGGS. Thank you very, very much all of you. We are very grateful to you for what you do each day and we are especially grateful to you for what you have done for us today. The committee is adjourned.

[Whereupon, at 12:50 p.m., the meeting was concluded.]

[Material submitted for inclusion in the record follows:]

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THE COMMERCIALIZATION OF CHILD-SEX

by Michael Jupp
Executive Director, DCI-USA
UN Representative, Defence for Children International

Defence for Children International
Defense des Enfants - International
Defensa de los Ninos - Internacional

Case Postale 359 – 1211 GENEVE 4
Switzerland – Tel. (022) 20 83 45

Defense for Children International-USA
534 EIGHTH STREET · BROOKLYN, NEW YORK 11215

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DEFENSE FOR CHILDREN INTERNATIONAL-USA

- An 80-nation resource, investigation and information network concerned with the abuse, neglect and exploitation of children

THE COMMERCIALIZATION OF CHILD-SEX

THE RIGHTS OF THE CHILD

Violations of the fundamental, human rights of children to be free from abuse, neglect and exploitation are worldwide.

Children are dying at a rate of 40,000 per day for the want of adequate food, clean water and primary health care. There are over 100,000,000 "street" children.

There are over 50,000,000 children employed under conditions detrimental to their health and development, often resulting in disease, permanent injury and death.

Recently released figures indicate that civilians now make up over 90% of all casualties in the many wars and "police actions" throughout the world. Children account for almost half of this figure. We know of children who have been kidnapped, tortured and sentenced to death. The rape of children by soldiers and paramilitary police - in Asia, Africa, America or Europe - is

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a commonly reported occurence.

Corporal punishment, once used extensively as a legitimate means of chastising and punishing soldiers, sailors, servants and wives,is still used on those least able to defend themselves and the least likely to be represented in any hearing - children. Likened by one critic to, "trying to mend your watch by hurling it on the concrete," the excessive use of corporal punishment frequently results in severe physical and emotional damage and even death.

The reality is that we know of no country that protects the rights of all of its children.

THE SEXUAL EXPLOITATION OF CHILDREN

Defence for Children International is a human rights movement dedicated to the promotion and protection of the right of the child to be free from abuse, neglect and exploitation. Over the past five years, one of its major programs has been an investigation of the international links in the commercial sexual exploitation of children.

The results are horrific. A western-financed sex-tourism industry maintains cnild prostitutes in perpetual slavery in East-Asia. Children may be purchased in one country for the sexual exploitation in another. Pedophiles use complex, underground national and international networks to exchange memorabilia and private photographs. Child pornography is collected and processed in Europe, then recirculated in countries like the USA, where it is used to exploit and seduce even more American children.

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In the USA, the annual gross revenue of child prostitution may exceed two billion dollars. Child prostitutes are for sale, for the price of a meal, in almost every city of any size. There is a growing suspicion that children, mainly "runaways" but possibly even kidnapped children, are passed from bordello to bordello by a few unscrupulous pimps.

Even more disturbing is the knowledge that many governments - at national, state, provincial and local levels - deny the existence of this element of child abuse. Laws protecting children are, at best, under-enforced. At worst, policemen and other government officials take bribes, or even the services of the children themselves, as part of a world-wide ethos of corruption.

AN INCIDENT IN NEW YORK

The inextricable links between child-prostitution, child-pornography, pedophilia and sex-tourism can best be explained by reference to a case that came to the attention of DCI-USA on August 17, 1984.

A young, innocent-looking nine-year-old Mexican boy - we will call him Jesus - was attending a day-camp in New York's lower east-side. He had been registered two or three days earlier by an elderly, Anglo school teacher. An observant youth worker noticed that Jesus was depressed and crying. He was walking as though in pain. She took him to one side and asked what was wrong. The resulting story is typical of the plight of many hundreds of thousands of children.

Jesus is a native of Acapulco, Mexico. The father of his large and very poor family was approached three weeks before by a visiting Anglo who offered

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to take the boy to New York,provide him with an education, teach him English and eventually find him a job. Some money changed hands, we don't know how much, and Jesus was brought to the United States, without proper documentation, through all the immigration controls.

The lower east-side is described by New York City Police as "the drug supermarket of the world." It has row-upon-row of derelict buildings waiting for a property speculator to make a financial killing, while it is populated by a variety of people ranging from honest, poor new immigrants through to drug-pushers, street gangs and prostitutes. It contains many of the worst of New York's flop houses for the single homeless. It is a long cry from sunny Acapulco.

The effect of the neighborhood on Jesus was traumatic. Even worse were the allegations of frequent sexual-assault by the Anglo who had purchased him and brought him to New York.

The youth worker called the "hot-line" for child abuse at 11 a.m. for advice. Nothing happened. Further calls were made. Still nothing happened. By three o'clock in the afternoon, the day-camp staff were frightened. The Anglo was due to pick the child up at 3:30, and no social worker had arrived to investigate.

Fortunately for Jesus, DCI was contacted, and as a result of advice given, the child was taken to the local precinct station. The Anglo was arrested and informed that he would be charged with sodomy at 5:30 p.m.

The story doesn't end here. Further enquiries by DCI members in the neighborhood uncovered evidence that the Anglo had, on at least two previous

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occasions, brought other young boys back from Mexico and the Dominican Republic. The details of these boys were available from the local school system, and the information was passed to the police. It was also discovered that the Anglo advertised regularly in a local paper as an "experienced babysitter". His occupation was given as school teacher.

Jesus was eventually returned to his parents on November 15th, three long months after the assaults took place. With Jesus out of the country, the case against the Anglo was dropped. As far as we know, no attempt was made by the police to follow up on the information on the other two boys, and their whereabouts is still unknown. The Anglo continues to advertise as a babysitter. We believe he still has his job as a school teacher.

A WORLD OVERVIEW

The offering for sale, or "indenturing", to give the proper name, of the children of poverty-stricken families to rich families to act as house servants, is commonplace in many parts of the world. It is a traditional practice that goes back hundreds of years. In many instances, it is seen as an equitable exchange. A family who cannot afford to keep all of its children receives a cash payment. The rich family gains a servant. The child receives training and, perhaps, an education. There is always the additional possibility that the child may make a good marriage and move up the social ladder.

It is practiced in many parts of Central and South America, Africa and Asia. It was common in Europe until the turn of the century. It probably occurred in North America.

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It is a practice that exploits children and all too easily leads to abuse. The seduction or rape of the parlor maid by the master of the house was the subject of many a 19th-century novel. Frequently it was the woman who was blamed, and she was cast out either pregnant or with a child. A long way from home, unable to return to her family through shame or because of the financial burden brought about by the penalty clause in the indenture, she turns to prostitution as the only means of survival. We've all seen the movie, the part played by a young Gloria Swanson. Riddled with tuberculosis, she repents her bad behavior and dies...

The reality is much harsher. In Thailand and the Philippines - as well as other parts of the world - children as young as eight are sold by impoverished parents to agents from the big cities of Bangkok and Manila. Instead of being placed with rich families, the children are purposely diverted to the many brothels in these and other cities.

In Thailand, prostitution is illegal. The Thai's themselves estimate that there are over one million prostitutes. The majority are young women. At least 10% of the minors involved are under 14.

DCI's international journal, the International Children's Rights Monitor, recently documented reports and newspaper cuttings of a fire in Phuket, Thailand, in which five young prostitutes died. One girl who died had been bought for a $33 advance on her wages. Another, who was injured, had been bought for $43. She was 15 years old, required to service up to ten customers in a 12-hour working period and received five cents per customer. She had been told that the "redemption clause" in her indenture was $109 - 2,280 customers if she saved all of her income. Some child-prostitutes are kept handcuffed

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to their beds, which may account for the high death-rate in this fire. Many have numbers tattooed on their bodies, and they are sold in advance through catalogues.

In a recent raid on another brothel in Thailand, 29 prostitutes under 19 were released from prison-like conditions. These girls had also been shipped once a month to Malaysia to entertain customers there. Another recent report (December 1984) speaks of child-traffickers taking 11-year-old girls from the hill-tribes of Burma, bribing border officials and smuggling them into Bangkok.

The situation in the Philippines is no better. A recent article in the Washington Post reported that, "Sex is cheap, about $11.40 each girl for an evening. It's easy to arrange; a man of any age is offered his choice by energetic pimps on street corners and in cabs, hotels and bars. There's usually little official interference."

That this awful trade in children should exist is bad enough. What is worse is that the West, the industrialized nations, should take advantage of their superior economic circumstances to abuse and exploit foreign children. In Japan and countries in the West such as Germany, the Netherlands, England and the USA, there is a strong, developing tourist industry specializing in sex-tours of the East and, increasingly, other parts of the world.

The potential of this market has not escaped the senior politicians of the countries concerned. Thailand, hungry for foreign exchange, advertises the image of "Asia's most exotic destination, offering many unique and unforgettable experiences." In preparation for a major bid for part of the international tour market, the Deputy Prime Minister of Thailand is quoted as asking provincial governors,

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> to consider the natural scenery in your provinces, together with some forms of entertainment you might consider disgusting and shameful because they are forms of sexual entertainment that attract tourists ... we have to consider the jobs that will be created.

Little wonder that with political encouragement of this seniority, fines in Thailand for prostitution offences are ridiculously low - $16 for a recruiter, $22 for a brothel owner or operator. Bribery and protection of police are alleged to be commonplace.

The two industrialized countries that have been the most prolific in their exploitation of the East are probably Japan and the USA. In Japan there was, according to the Post and other sources,

> an entire section of Japan's travel industry organized around delivering Japanese to foreign countries where girls were conveniently lined up and numbered for easy selection.

It is estimated that in South Korea there were 5,000 "Kinsaeng Houses", a type of restaurant catering to Japanese male tourists, to which officially-trained prostitutes were attached.

The development of the "recreation and rest centers" by the US military during the Vietnam war in many parts of East Asia were invariably associated with the accompanying brothels and prostitutes, and as far as we know, little

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was done by military authorities to police the ages of the women and boys involved. Even now, returning community-development workers from the Philippines have reported to DCI that child-prostitution seems higher in the vicinity of US military bases, and it has been alleged by one US police specialist that military personnel feature at a disproportionately high rate in the pedophile exchange lists he has studied.

The development of the sex-tourism trade is not confined to these countries. Two organizations in Europe are typical of those exploiting foreign children. The Rosie Reizen Agency of West Germany, predominantly for heterosexuals, makes sexual experience an explicit part of the package tour. John D. Stamford's Spartacus, published in the Netherlands, offers advice on how to obtain young boys in almost every country in the world. Together,these agencies offer guides to help the tourist negotiate the prices of child-prostitutes, give advice on the right hotels to use, how to circumvent local laws and how to deal with local officials.

The trade is expanding. John Stamford's Guide for Gay Men is placing increased emphasis on boy-prostitutes in West Africa. The Methodist Women's "New World Outlook" (January 1985) reports the concern of the Church over increases in prostitution in "St. Maarten, Curacao, Bonaire and a host of Caribbean countries."

One 15-year-old prostitute interviewed who had travelled from Santo Domingo to St. Maarten, tells a story almost identical to the Victorian melodrama we mentioned earlier. She went to work as a maid in the house of a radio personality at the age of 12. He seduced or raped her, and she was pregnant by the age of 13. After the child was born, the child was taken from her, and the

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offender applied for custody on the grounds that the mother was immoral. She was expelled and took to prostitution.

Sex-tourism is not the only factor in the expansion of the trade. In the Amazon boom towns of South America, it is alleged that there are over 50,000 children and young people struggling to survive in brothels of extreme exploitation. In Iquitos, Peru, the demand for 12 to 16 year olds is very high among migrant workers who themselves live an unnatural existance in company-owned camps and enclaves. The companies themselves supply the young prostitutes and even offer young virgins as gambling prizes.

Nearer to home the problem is not so different. Estimates of the number of underage prostitutes in the US varies between 200,000 (Campagna) and 900,000 (Denson-Gerber). Based on the lower figure, the annual gross revenue is estimated at two billion dollars. Official estimates as to the number of prostitutes in any given city seem to bear no relationship to the actual numbers of children involved, but rather to the seriousness with which the politicians view the problem. Louisville, Kentucky, for example, in which John Rabun headed a pioneering multi-disciplinary team of policemen and social workers, estimates over 100 child-prostitutes in a population of 300,000. In New York, on the other hand, with a population of over 7 million, the police estimate a number between 50 and 100. In the Borough of Brooklyn, with a population of 2¼ million, it is alleged there are none.

Similarly, in Europe, estimates vary between 8,000 for the city of Paris to 600 for the whole of Italy. There are no available figures for England or London.

In the recently published, 1300-page report by Canada on Sexual Offences

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against Children, the Committee admitted that regarding juvenile prostitution: "Its full dimensions are unknown." Commenting in general terms, the Committee said,

> Publicly, there is widespread indignation and condemnation concerning the plight of these youths. Their visible presence on the downtown street corners of many large Canadian cities, is seen in some quarters as a failure of existing public services - social, enforcement and legal - to deal adequately with the problem. A sharp disparity exists between what is said should be done and what is actually done...While in the rhetoric of public debate the needs of these youths are allegedly recognized, the services available to them either are limited in scope, or in some instances, have been curtailed...Many experienced professionals have adopted a defeatist attitude...
>
> Prostitution is big business in Canada. Its full dimensions are unknown.

THE LINKS BETWEEN CHILD-PORNOGRAPHY AND CHILD-PROSTITUTION

On September 14, 1984, the Italian daily, La Repubblica, printed a full-page article on the child-pornography market in Amsterdam. The publication of this report was sparked off by a news item: the death from a cocaine

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overdose of a six-year-old girl, Thea. The child had been systematically drugged and forced into prostitution; she had also been used in the production of pornographic video tapes. Apparently, as part of the investigation, police seized

> a number of video tapes showing sexual relations between adults (of both sexes) and children, between children and children, and between animals and children. All of the children used as protagonists were under the age of six...

John Rabun, now Deputy Director of the National Center for Missing & Exploited Children and formerly of the Louisville Task Force, says that in his opinion, most of the juvenile prostitutes he has dealt with have been invited, at one time or the other, to partake in the making of "dirty pictures."

One of the few, recent arrests in Manila was of a 70-year-old Canadian - a retired public employee, and in many ways similar in profile to the Anglo who purchased Jesus. He was held on three counts of "inducing lascivious acts" - paying young girls small fees for allowing him to photograph them in erotic poses.

Child-pornography is the beginning, the end and a by-product of child sexual abuse and exploitation. Typically, the Anglo would have used child-pornography in the gradual seduction of Jesus. It can be used to legitimize the requests for the sexual act. It can be used for demonstration purposes. It can be used as a medium of exchange among networks of child abusers.

Just as typically, the Anglo might have taken photographs of his own rape or seduction of the boy. These may have been done on sophisticated VCR or 35 mm equipment - or with an ancient Brownie or a modern Polaroid. Over the years,

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the Anglo might have built up a collection of thousands of pictures. It appears to be a common occurrence among practicing pedophiles to possess an indexed, labelled and ordered supply of child-porn pictures. A commercial school photographer arrested in Manhattan on February 16, 1985 and charged with sodomy and abuse on two 11-year-old boys, was found to have about 1,000 pictures of underage boys ingaged in sex-acts. In addition, police confiscated pornographic movies and several boxes of magazines.

Child-pornography needs to be recognized for what it is - not some form of youthful erotica, but the pictorial representation of an actual happening, the photographing of the actual abuse of a child.

Considerable attention has been given recently to the hearings of the US Senate Permanent Sub-Committee on Investigations, chaired by Senator Roth. These hearings are mainly concerned with the importation of glossy magazines allegedly produced in the Netherlands and Denmark. Less attention is being paid to the origins of the photographs that are used to make up these magazines. While many of the pictures in the magazines imported to the USA originate in Europe or Asia, perhaps the largest number come from this country - taken by people like our Anglo - and then exchanged through extensive, international and national networks until they are published in one of the glossy magazines. It seems that the USA, according to US Customs figures, is the largest consumer of child-pornography in the world.

John Stamford's Guide for Gay Men openly asks,

> Good at photography? Interesting photographs regularly published in Spartacus and Pan magazines. Send for details to...

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In the back of the book is advertised "The Coltsfoot Press," a division of Spartacus specializing in "fiction and scientific books about friendship, love and sexual relationships between men and boys..."

Stamford's books, however, illustrate one of the major difficulties in the prevention of both the sex-tourism trade and control of pedophilia. At no stage does he advertise actual photographs of underage boys in pornographic poses. Indeed, as far as we know, there is no evidence that he has ever done so. There may be a photo of a young boy nude. The text may be suggestive or categoric. His main book, a comprehensive world-wide guide, frequently refers to places where the "young crowd" are available. His anecdotes about bars will go into detail of his own meetings of underage prostitutes.

These books do not, according to US Senator and former D.A. Arlen Specter, fall into the category of pornography. Similarly, books that go into infinite detail on how to seduce a young child, or magazines such as "Forum" which publish requests for advice on a range of sexual problems, including incest and under-age sex from alleged readers and then offer in reply graphic or suggestive paragraphs under the pretense of "advice", do not fall into this category. They are scientific or educative works, and as such are free from prosecution.

Whether or not this needs to remain so is another matter. Under English common-law, the legal principles of to "aid and abet, counsel or procur" a criminal offence exist. There are also the principles of "incitement" and "conspiracy". The services of a good international and constitutional lawyer would be needed to determine if these principles could be applied to a potential crime that may be committed outside of the jurisdiction of the court.

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INTERNATIONAL ADVOCACY AND ENFORCEMENT

The sexual abuse of children, when perpetrated by people outside the family, probably has more international ramifications than any crime except the traffic in narcotics. Even then, as most investigators are aware, the supply of drugs frequently forms an integral part in the seduction of children and the remuneration of child-prostitutes.

Child-prostitution, child-pornography, pedophilia and the sex-tourism industry all form part of an interlinked, world-wide trade that not only epitomizes the exploitation of children by adults, but illustrates the continued exploitation of the developing nations by the industrialized West. As with the trade in drugs, there have been solemn international treaties dealing with the various aspects of the trade in child-prostitutes and child-pornography since the turn of the century. Yet, as with much of the domestic child-protection legislation, it is frequently under-enforced, and few countries, the USA included, meet their international obligations.

This is not to say that enforcement is the panacea. But, at least, the mechanics exist, and it is a place to start. The causes of prostitution are complex, and poverty is a significant factor.

There exist relatively simple ways of obtaining third-world children and bringing them to the USA. In most instances this is done to the benefit of the children concerned, and many are adopted by genuine childless couples with honorable intentions. There is evidence, however, of a growing number of cases of children obtained abroad and brought to this country for immoral and abusive purposes. In any event, the trafficking in children, even when honorable, is seen by the nations from which the children come as further evidence

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of their exploitation and powerlessness.

It is possible that all investigators and social workers in this field will, sooner or later, be involved in a case of a child from outside the USA. It is probable that when such a case occurs, evidence of the international traffic will be present, but ignored.

There are no offfcial agencies collating the evidence on an international basis, despite the obvious harm caused to children here and throughout the world. Yet, if we really want to stop the trade in child-pornography, it is necessary to cooperate with people beyond our boundaries. The place to stop the printing and distribution of child-pornography is in Europe, East Asia and other countries before it leaves their shores.

At the same time, women's groups, trade unions and churches in the exploited East are pleading for our help in stopping our men from going to their countries to plunder and exploit the women and children. Cooperative, international efforts do have some effect. In Japan, single men returning from the Philippines were met by hoards of women who ridiculed them and subjected them to heckling and abuse. In Manila, there have been large-scale demonstrations resulting in some police action. The fire in Phuket resulted in a parliamentary commission of enquiry.

There has been a slight reduction in the number of air flights from Japan to the Philippines. Whether this is a temporary abberation, or whether it is permanent, only time will tell. Perhaps the trade has moved elsewhere, and we have yet to locate it. Perhaps it will be back this summer, increased.

The ease of modern communications - via the jet plane, satellites, computers, video-recorders - has made the trade of the child-exploiter easier.

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Modern technology is used first by the law-breakers, and it takes a long time for law enforcement to catch up.

Governments, by their very nature, are nationalistic. They are not structured to work internationally on social issues. Ethiopia is a classic example of the private, voluntary agencies taking the initiative, while governments languished in the rear.

The initiatives being taken by the US State Department and US Customs officials, under pressure from Senator Roth's Senate hearings, are to be applauded. Customs officials are planning a series of bilateral working agreements with Sweden, Denmark, Germany and the Netherlands - hopefully these will have some effect, and the trade in pornography will, at least, diminish. We also hope that the State Department will forgive us if we are skeptical. It has taken 81 years since the signing of the first international treaty in 1904. In any event, these bilateral agreements only attempt to tackle part of the interlinked trade.

DEFENSE FOR CHILDREN INTERNATIONAL-USA

The only organizations really attempting to deal with this matter at an international level are the international non-government organizations.

Our own organization, DCI-USA, is the US section of the international child-advocacy movement founded in Geneva, Switzerland during the International Year of the Child.

It is a volunteer movement, with a small full-time Secretariat, that uses the expertise of its members to the fullest. It has over 1,200 members and

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affiliates in 80 countries. In the USA there are 200 members. They are predominantly child-care professionals, social workers, lawyers, police officers, academics and pediatricians.

Our work consists of monitoring press reports and other studies on the abuse, neglect and exploitation of children, carrying out or commissioning research into critical areas of children's needs, introducing national and international legislation, lobbying for its enforcement and creating and managing innovative programs when no one else will take up the challenge.

In order to be effective, we need the help, assistance and support of as many people as possible. It is important that the prejudices of "professional officers" and social workers against sharing information with the voluntary sector be overcome. There must be a free flow of information between the statutory agencies and the non-government organizations.

All of you reading this book have evidence that is needed to arrest the trade. It might be quite simple, like the title page to a pornographic book or magazine showing the publisher and the date printed. It might be the postmark on the envelope it came in. It might be the developing process shown on the 8mm film.

You might pick up the name of an alleged abuser in another state or country and have no one to pass it to that you trust.

In return, DCI can benefit workers who are having difficulty dealing with children from another country. Our international contacts are substantial. We can arrange for social enquiry reports from almost anywhere - carried out by people qualified in the country in question.

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Additionally, DCI can help make you aware of both the gravity of and the solutions to children's problems throughout the world. Our quarterly journal, the International Children's Rights Monitor, has been widely acclaimed. We hold consultative status with the UN and UNICEF, and our opinions are called for on a variety of children's rights issues.

Despite the distressing state of children's needs we find today, we do have hope. Interest in international and national treaties and laws has never been higher. The issue has received a degree of priority treatment from governmental and non-governmental organizations,which, while still not enough, represents a first step. In the final analysis, however, the battle can only be won through a multi-tiered campaign of education, eradication and enforcement. That can only happen if people, all over the world, sit up, take notice, join together and get involved.

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RESOURCE LIST

AGENCIES INVOLVED IN CHILDREN'S RIGHTS ISSUES

Per Tegmo
Secretary General
Defence for Children International
Case Postale 359 - 1211 Geneve 4
Switzerland - Tel. (022) 20 83 45

Michael Jupp
UN Representative
Defense for Children International-USA
534 Eighth Street
Brooklyn, NY 11215
(718) 965-0245

National Sections

Mr. Jaime Diaz
DCI-Colombia
c/o CODECAL
Apartado Aereo 20439
Bogota, Colombia

Claudia Calvaruso
DEI-Italia
Via Vittoria 24
00187 Rome
Italy

Mme. Marie-Paule Etsete
DEI-France
c/o Me. Yvonne Tolman-Guillard
9, bd Saint-Martin
75003 Paris, France

Ms. R. Bruning
DCI-the Netherlands
Postbus 90492
1006 BL Amsterdam
The Netherlands

DCI-UK
Children's Legal Centre
20 Compton Terrace
London N1 1UN
England

Executive Council Members in Countries without Chapters

Abdelwahab Boudhiba
Centre d'Etudes
Sociales et Economiques
21, rue d'Espagne
Tunis, Tunisia

Araceli Brizzio
De La Hoz
Ixtlixochitl No. 7
Xalap, Ver., Mexico

Kalle Justander
c/o Central Union for
Child Welfare
Armfeltintie 1
00150 Helsinki 15
Finland

Eric Ng'Maryo
c/o T.P.C. Ltd.
P.O. Box 93
Moshi, Tanzania

R. Kim Oates
c/o Royal Alexandra
Hospital for Children
Camperdown 2050
AUS-Sydney, NSW

Daniel O'Donnell
UNHCR, c/o UNDP
Caixa Postal 743-ZC00
Rio de Janiero, Brazil

Philista Onyango
c/o University of Nairobi
Dept. of Sociology
P.O. Box 30197
Nairobi, Kenya

Adolfo Perez Esquival
c/o Paz y Justicia
Mexico 479
1097 Buenos Aires, Argentina

Surichai Wun'Gaeo
c/o Social Research Institute
Chulalongkorn University
Institute Bldg. 1
Phayathai Road
Bangkok 10500, Thailand

Other Organizations

Peter Davies, O.B.E.
The Anti-Slavery Society for the
Protection of Human Rights
180 Brixton Road
London SW9 6AT, England

LAWASIA
170 Phillip Street
Sydney, NSW 2000
Australia

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international children's rights monitor

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A "mini-dossier" on sexual exploitation

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international children's rights monitor

THE QUARTERLY PUBLICATION OF THE INFORMATION AND DOCUMENTATION SERVICE OF DEFENCE FOR CHILDREN INTERNATIONAL

The *Monitor* seeks to foster awareness about, and efforts in favour of, children and their rights throughout the world by informing its readers about needs and initiatives in this sphere.

It is also published in French under the title *Tribune internationale des Droits de l'Enfant*.

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Individuals and organisations are invited to submit press releases, announcements, reports and articles (not exceeding 1,500 words) with a view to publication in the *Monitor*. Texts which must deal with children's rights/child advocacy issues should preferably be typewritten, double spaced, on A4 format paper, and may be accompanied by original charts and photographs. Comments and reactions to texts published in the *Monitor*, in the form of letters, are also welcome, and will be considered for publication. Views expressed may not necessarily reflect the opinions and policies of Defence for Children International, its members or sponsors.

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Defence for Children International (DCI) is an independent non-governmental organisation set up during the International Year of the Child (1979) to ensure on-going, practical, systematic and concerted international action specifically directed towards promoting and protecting the rights of the child. The organisation's aims are:
- to foster awareness about, and solidarity around, children's rights situations, issues and initiatives throughout the world;
- to seek, promote and implement the most effective means of securing the protection of these rights in concrete situations, from both a preventive and a curative standpoint.

To achieve these aims, DCI's methods include:
- publishing information on all aspects of children's rights, through a regular bulletin for members, the quarterly *International Children's Rights Monitor* for wide distribution, and ad hoc publications;
- taking up specific cases of violations of children's rights referred to it as an independent international agency;
- undertaking action-oriented investigations, alone or jointly, on global issues of special concern which are found to be inadequately documented internationally, e.g. the sexual exploitation of children, children in prisons;
- taking direct action in response to situations involving the violation of rights of specific groups of children;
- monitoring and evaluating the practical implementation of accepted children's rights;
- working for improved international standards in the children's rights sphere;
- stimulating cooperation and action, nationally, regionally and internationally, to improve responses to children's rights problems.

DCI is an international movement which already has a membership of both individuals and organisations involved with or supporting its work in nearly 40 countries on all continents, and with subscribers, correspondents and information exchange agreements in many more. It is in consultative status with the United Nations Economic and Social Council (Roster) and with UNICEF.

Defence for Children International
P.O. Box 359
CH-1211 GENEVE 4
SWITZERLAND
Tel.: Geneva (022) 208 345

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international children's rights monitor

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Cover drawing and illustrations by Jean Augagneur

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- **An 8-page feature on children incarcerated with adults, based on the results of the DCI "Children in Prison" Study.**
- **Responding to the special needs of the children of political prisoners.**

Unarmed conflicts

Impossible to decide among several issues that could have been the individual subjects of this column. Here are just three of them, reduced to their simplest form for the moment.

(1) "I want every penny (cent, centime, lira, etc.) to go to the children." Unquote. When giving money to a humanitarian organisation, one apparently expects the entire sum to arrive by magic in the hands of the "sponsored" child, adult or community via a charity that equally apparently pays no rent, no salaries, no telephone bills, no mail charges, etc. Results: humanitarian institutions falling over each other to "prove" how little they are spending on "administration", the counter-productive cover-up of the real costs involved; and if this is thought to be uncovered, public mistrust and confusion. Example: *"I understand from an authoritative source that only 8 per cent of contributions to UNICEF actually reach the children"*[1]. Among the unasked questions: what does "reaching children" really mean if, precisely, it is to have a real meaning for those children? And if we manage to answer that, what does "reaching children" require? Something more, no doubt, than "every penny" going to them...

(2) *"The aim is to raise 300,000 pounds (...). We're no saints, only ordinary people trying to help."* The money being raised is for the construction of an orphanage outside Dhaka, Bangladesh. It is designed to supplement the facilities at the present building where *"the woman, in a shabby sari, was crying bitterly as she begged for her little girl to be taken in (...). For starving families, the orphanage is the 'last hope for their children, many of whom are not in fact orphans'"*[2]. The initiator is a British Airways stewardess, whose goodwill we do not question. What we should question surely is the promotion of "solutions" that take children away from their parents.

(3) Within the next few months, three major international vehicles for information on children's affairs may well disappear. UNICEF's *Ideas Forum* and *UNICEF News* are likely to cease appearing before the end of the year. The 60-year-old *International Child Welfare Review* is being phased out unless – as we hope – there is a last minute reprieve. This at a time when requests for information from all parts of the world are increasing substantially and the need for channels through which the "Third World" can express its opinions and concerns grows. He who pays the piper...

Put these issues together. Measure the results for children. These conflicts, with their often devastating ramifications for children, are ones for which we are totally unarmed. ■

Nigel Cantwell

1. Listener's comment during a phone-in radio programme on "France Inter", February 1985.
2. Report in *Observer* magazine, 17 March 1985.

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DISAPPEARANCES: CHILDREN AND THEIR RIGHTS

Mohamed El Kouhène

The practice of "disappearance" is a new facet that repression has assumed in alarming proportions over the past ten years or so. It violates the most elementary rights of the individual. The practice takes on a still more sinister colouring when it affects children, as it often does.

"Disappearance" may affect a child directly, if he is abducted together with his parents or if he is born in a secret detention camp where his pregnant mother was kept, or it may affect him indirectly, if he witnessed his parents' abduction without himself being taken. In every case, "disappearance" provokes very serious disturbances in the child which jeopardise his mental balance and integration into society.

Dire psychological consequences

The repercussions on children of a disappearance in the family, which is the primary group unit affording the child protection and guidance, have been shown in a number of studies by psychatrists, psychologists and physicians[1]. These studies reveal that the members of the family of someone who has disappeared live in a "prolonged state of shock", a mixture of fear, mental anguish and total bewilderment.

As a rule, the reactions of the family members go through a number of different stages. At first, there is a stage of doing nothing, motivated by fear of reprisal against themselves or by the fear of endangering the life if the one who has "disappeared", and who, they hope, is still alive: if they ask too many questions, they think they may precipitate his being killed. Silence and inaction frequently result in guilt feelings. These lead to the next stage, when the family undertakes an active search for the victim, with all the attendant feelings of anxiety that this involves. Lastly, seeing how powerless they are and faced with the authorities' bedevilling silence, they begin to realise the need for some form of collective action, and either organise an association or turn to already existing groups and international organisations. It is now recognised that contact with a support group exerts a deeply therapeutic effect on the relatives of a "disappeared" person.

The disappearance of a person leads to many changes in the life of his family. His wages were, more often than not, the mainstay of his family's existence. Now his wife has to go to work, while at the same time pursuing her search for her abducted husband. The children are thus left to their own devices. Sometimes the older ones take charge of the household and of their younger brother and sisters, and in some cases they even try to earn some money, though they are neither old enough nor sufficiently mature to be working. Their own hopes and plans for the future thus come to nought: their new occupations and family obligations often

GROWING NUMBERS OF "DISAPPEARED" IN PERU

The response of the Peruvian Armed Forces to the *Sendero Luminoso* ("Shining Path") guerilla movement seems to have been at least as negligent of basic human rights as the action of the movement being combatted.

One of the target groups of the Armed Forces in the emergency zone around Ayacucho is clearly young people: Amnesty International reported in February 1985 that it had documented cases of 76 children and teenagers under 18 who have "disappeared".

AI also reported that leading members of the judiciary in Peru, including the Attorney General and provincial public prosecutors, have denounced the activities of the Armed Forces and the obstructiveness of the latter with regard to investigations into the whereabouts of the "disappeared". So far these protests have been to no avail.

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lled them to drop their schooling, and rob them of their own childhood. Those children who have no older sibling to look after them end up running the streets, not unlike children who were orphaned during a war.

Studies reveal very serious psychological damage, the "abandonment syndrome" in children whose parents suddenly disappeared from their life, and in those who witnessed the abduction of their parents in circumstances where violence was used (torture before they were taken away, beating of the mother, etc.). This syndrome is even more pronounced in children who were born in detention centres and who were taken away from their mother. These children, moreover, were born in extremely poor sanitary conditions, with no medical assistance whatsoever, the mother sometimes having been subjected to torture until shortly before giving birth. Some of them were placed anonymously in public institutions; others were given away—or even sold—to adoptive families, not only in the same country but also abroad. Unlike an adult, a child who disappears loses his own legitimate identity.

A child may also experience a feeling of abandonment if the rest of the family conceal the truth from him and keep him from sharing their concern. However, being themselves deeply perturbed by the disappearance, family members have no inner resources left to offer the child any emotional support or to attempt to even partially make up for the emotional ties he had—and has—with the "disappeared" person. Formerly the "centre of the world", the child thus becomes a stranger in his own family, and may even become an outcast of society. The studies referred to above show that the children of the "disappeared" experience feelings of powerlessness and insecurity, they are hypersensitive, but above all they exhibit regressive behaviour which manifests itself by a loss of the ability to cope with daily activities. Clearly, the problem is such as to require the international community's fullest attention.

Rights trampled

"Disappearance" violates not only the rights of the person directly involved (the right to life, the right to protection against being subjected to torture or other cruel, inhuman or degrading treatment, the right to recognition of a legal identity and right to a fair trial, the right to freedom of opinion and freedom of expression, the right to family life, etc.); they also violate the rights which apply to children specifically. These have been embodied in a number of international instruments promulgated on a universal or on a regional basis.

The rights of the child which are infringed by "disappearance" may be classified as follows:

- those relating to the protection and care of children, pregnant women and nursing mothers[2];
- those relating to the child's right to a personal identity[3];
- those relating to the child's right to be protected and cared for by his parents[4].

What of these rights are set out in the Draft Convention on the Rights of the Child. However, an additional provision to cover the specific situation created by "disappearance" would be desirable. Such a provision might be inserted in article 8 of the Draft, which, in its present form, appears too vague and not sufficiently detailed to afford children the necessary protection against "disappearance". ■ (M.E.K.)

1. See e.g., "Children of Prisoners and the Disappeared: A Diagnostic Study", Santiago, Chile, 1979, in: *Canadian Study on Latin America*, by Dr. F. Allodi, Toronto, 1979. See also in the same publication, "Sequelae of Political Repression: the Psychological Harm to Children", by Mario E. Marsollo et al., "The Child and Political Repression".

2. They are set out, in particular, in the Universal Declaration of Human Rights (art. 25, para. 2), in the International Covenant on Civil and Political Rights (art. 24, para. 1), in the International Covenant on Economic, Social and Cultural Rights (art. 10, paras. 2 and 3), in the Declaration of the Rights of the Child, and in the American Convention on Human Rights (art. 19). These rights are to some extent related to the possession of the right to life, the first right of the human being. The American Convention protects this right from the time of conception (art. 4, para. 1).

3. This refers to the right of the child to be registered immediately after birth and to have a name (International Covenant on Civil and Political Rights, art. 24, para. 2); and even, as stipulated in the American Convention (art. 18), the right to a family name. These provisions apply, in particular, to children born in detention camps. The right to a personal identity is also mentioned in the Geneva Conventions (Convention IV, articles 24, 50 and 136) and in Protocol I (art. 78, para. 3); Protocol II makes no mention of the subject. Principle 9 of the Declaration of the Rights of the Child provides that the child shall grow up under the responsibility of his parents, and, in the case of a child in tender years, that he shall not be separated from his mother. The family is considered to be a natural and fundamental unit of society. It is entitled to protection by society and by the State (International Covenant on Civil and Political Rights, art. 23, para. 1; American Convention on Human Rights, art. 17, para. 1; African Charter of Human and Peoples' Rights, art. 18). The Geneva Conventions and the Additional Protocols likewise contain provisions relating to the protection of the family unit, to the right of the child not to be separated from his family even in the case of detention, and to the reunification of families.

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BETTER LATE THAN NEVER

Dr. Norberto I. Liwski, paediatrician and member of the Support Group of the Grandmothers of the Plaza de Mayo, pleads for the return of "disappeared" children to their families even after many years of adjustment to their new environment.

Six years and seven months have passed since Paula, along with her parents, was kidnapped—and later wrenched from her parents' side to disappear into the network of terror of the military dictatorship which governed Argentina.

After six long years of ignorance, lies and victimization, she was reunited with her legitimate family. In doing so, justice returned her to truth, legitimacy, and health.

Dozens of sequestred and "disappeared" children have traveled this happy road of return to their true families, thanks to the courageous, humanitarian, and exemplary efforts of the Association of the Grandmothers of the Plaza de Mayo in the defence of children's rights.

The Argentinian people, who during the years of terror had to seek refuge in an unhealthy silence, are the principal collaborators in this noble objective. Similarly, many members of the professions, especially health and law, contribute technical and scientific support. Included in this latter group are certain sections of the constitutional government pledged to a similar task.

In all cases of restitution, the time elapsed between the disappearance of the child and its return to its rightful family has ranged from six to seven years, and the approximate age of the children at the time of their sequestration varied between a few months and four years.

Although from a legal standpoint there can be no doubt as to the legitimacy of these claims for restitution, a certain confusion has been observed in some sectors of public opinion as to the benefit of the child of being returned to his/her family after several years' disappearance—years during which the child was raised in a family environment imposed by the violence of State terrorism.

From the standpoint of the child's best interests, and given our experience with a considerable number of restitutions, we are in a position to state unequivocally that this is the only means which can guarantee the child a development free from major psycho-social disturbances.

We base this assertion on the very circumstances of the bond imposed on the child which, far from falling into the complex arena of adoption, are in reality more akin to appropriations or pseudo-adoptions.

Adoption requires three parties: an abandoning family, an

ARGENTINIAN PROPOSAL FOR INTERNATIONAL PROVISION ON "DISAPPEARED" CHILDREN

The Argentinian delegate to the UN Working Group on the Draft Convention on the Rights of the Child declared, during the Group's January 1985 session, that his country wished to table a text for consideration as an additional article in the Draft Convention, concerning the special problem of "disappearance".

Recalling the 172 denounciations of cases in which children had been abducted and stripped of their identity by State agents during the last half of the Seventies in Argentina, the delegate stated that his country now wished to contribute to efforts to prevent similar "aggressions against children" in the future, in whatever country they might be. The inclusion of an article in the future Convention would constitute one such contribution.

The delegate noted that 28 of the "disappeared children" had now been traced, and 20 more were in the process of being so, after years of desperate searching. The tracing involved had been greatly facilitated, he said, by the setting up of a Federal Advisory Committee, and a similar body for the Federal Capital alone.

The proposed draft article was submitted as follows (unofficial translation from the original Spanish):

The child has the inalienable right to conserve his or her true and authentic personal, legal and familial identity.
When a child has fraudulently been deprived of one or more elements of his or her identity, the State shall grant special protection and assistance to that child through the reestablishment, in the shortest possible time, of his or her true and authentic identity.
This obligation of the State includes in particular that of returning the child to the care of members of his or her biological family.

The draft text will be considered, in all probability, once all the substantive articles as set out in the original Polish proposal have been adopted in first draft form—i.e. possibly already at the 1986 Working Group meeting.

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abandoned child who is looking for a substitute family, and a family ready to extend its love to an abandoned child.

In the situation at hand, the family has not abandoned the child—the parents are sequestered or "disappeared", and members of the legitimate family are looking for the child. There is no abandoned child, but a child criminally violated in her/his rights who longs for truth, identity, roots, and liberty. And, finally, there is a couple which is ready to perpetuate the original violations.

The act of appropriation is marked by denial, concealment, and lies about the child's origin on the part of the pseudo-parents, and by the violation of the child's will and of the life project of his/her parents, now represented by his/her legitimate family members.

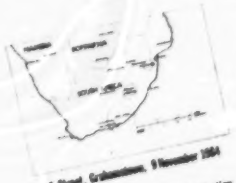
This concealment characterizes the typical situation described by psychologists as "conditions of disaster". This term is applied to those situations of family life where horror is mystified. By definition, "conditions of disaster" are directly bound to the abomination of family secrecy, and otherwise constitute a factor of social shock linked to the constant effect of the carcinogenic hidden horror.

Although it is not talked about, or precisely because it is not talked about, the secret perverts, like an infiltrating cancer, the lives and emotional structures of the family. This is especially true when the pseudo-family is created by the same repressive elements which constitute the "malignancy".

The only antidote against the "malignancy" is to uncover all that hides and simultaneously promotes, the establishment of a new order of family legitimacy.

Without doubt this stripping away is painful because it is terrifying, as were the circumstances which gave rise to it. But only the truth can act as an incision to drain, relieve the pain, and cure the abcess created by the "conditions of disaster". ■

(N.I.L.)



E Street, Grahamstown, 9 November 1984

An eye-witness report of violent state action in South Africa

N.B.

NEW WORK ON CHILDHOOD INFORMATION

Childhood Information Resources is a compendium on what to read, where to consult, and where to get answers on every aspect of the child, and is due for publication by Information Resources Press in March 1985.

The reference book describes and evaluates more than 1,100 key sources of information on children and childhood. It is the first and only work in print to assemble in one volume the countless sources and statistics on children that have been compiled over the years.

Virtually every aspect of children and childhood is covered. Encyclopedic in scope, *Childhood Information Resources* encompasses the major relevant sources, publications, on-line data bases and organizations dealing with topics ranging from drug abuse, missing children, breast-feeding, and the effects of divorce on children, to the impoverished child, juvenile deliquency, handicapped and gifted children, the sexually abused child, and single adoptive parents. Included also are special chapters on statistical measurements, tests and assessments, and parent education.

Childhood Information Resources is available for $45.00, plus $2.45 for postage and handling, from Information Resources Press, 1700 North Moore Street, Suite 700, Arlington, Virginia 22209, USA.

REPORT ON "VIOLENT STATE ACTION" IN SOUTH AFRICA

"Protest against the ruling political system broke out nationwide in August-September 1984 as the new constitution was launched. (...) Soldiers and police merged as a single force. (...) A pattern quickly emerged across the country of unprovoked aggression towards residents. (...) Provocation in the three Grahamstown townships of Joza, Tantyi and Fingo Village (population 60,000) peaked on the eve of Patrick Mdyogolo's funeral. This 15-year-old boy was the first rubber bullet victim of 1984 in Grahamstown. Thousands sang through the night of 8 November. (...) The next day, the day of the funeral, was symbolically turned into a stayaway. (...) Thousands attended the service and graveside ceremonies. As the crowd dispersed, the State forces moved in, teargassing and sjambokking (whipping) them. (...) This was the context for what residents in E Street experienced on 9 November."

The above is taken from the introduction to an eye-witness report about teargassing, shooting and brutality by soldiers and police, in an indiscriminate matter, which affected children just as much as adults.

9 Streets Grahamstown, 9 November 1984. An eye-witness report of violent state action in South Africa, published by Grahamstown Committee of Democrats, available from Kairos, Cornelis Houtmanstraat 19, NL-3572 LT Utrecht, Netherlands.

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THE RIGHTS OF CHILDREN OF INDIGENOUS PEOPLES

The unwarranted removal of children from their native communities, their subsequent definitive estrangement from those communities, and the harmful and sometimes fatal circumstances of the foster care into which they are placed as an alternative solution "in their best interests" are long-standing but also long-neglected children's rights issues.

The problem has recently been highlighted in Canada, one of many countries (including Australia, the USA and several Central and South American countries) in which indigenous peoples allege systematic violation of their rights by the authorities, and the removal of their children as the response to their oppressed state.

On 26 June 1984, reports *AMMSA**, Richard Cardinal, a 17 year-old Metis boy, hanged himself in the backyard of his foster parents. Since the age of three, he had been a permanent ward of the Alberta Government and had been placed in no less than 28 foster homes during those 14 years. He had originally been removed from home—and from his community—because his parents were alcoholic. Like most Indian children in that situation, he was placed with white foster-parents, and in the succession of such families tended to be "looked after" rather than loved and cared for. Potential Native foster parents, it is alleged, often believe rightly or wrongly that they will fail to qualify, given the strict guidelines for foster parenting laid down by the responsible social services.

Richard's suicide is reported to be the 17th recorded death among wards of the Alberta Government between mid-1983 and mid-1984.

* Weekly publication of the Aboriginal Multi-Media Society of Alberta

AFGHANI CHILDREN SENT TO USSR

According to the Swiss daily *Neue Zürcher Zeitung* (14 November 1984), Western diplomats stationed in New Delhi reported that "a first contingent" of 870 children, aged 7 to 9 years, were flown out of Kabul, bound for education and training in the USSR. This move apparently took place against the will of the parents, and it is claimed that the training courses are to last 10 years.

DCI has for some time been concerned about similar operations that have taken place from Kampuchea to Vietnam and from certain African countries, such as Ethiopia, to Cuba. DCI's major preoccupations concern the low age of the children involved and the fact that no account seems to be taken of their parents'—or their own—wishes.

PHILIPPINES : EXTRAJUDICIAL KILLINGS OF CHILDREN

Amnesty International reports the killing of three young people, and the wounding of seven women and children, in Agdao, Davao City, Philippines, on 2 December 1984, allegedly by members of the Civilian Home Defense Force, a civilian militia under the command of the Armed Forces.

The killings followed a "people's strike" in the area, which was broken up on 28 November. They were directed against members of a squatter community that had taken part in the strike. Eight men, believed to be from the CHDF, forced the male squatters to lie down, and shot five of them dead, including Rey Navaja (17), Martin Ceniza (16) and Joel Narbay (14).

The events took place in the context of constant armed clashes between government troops and opposition groups in Davao, the main city in Mindanao. Reports of human rights violations are continuous, and the acting chief of staff of the Armed Forces, Lt. Gen. Fidel Ramos, is said to have admitted that military abuses may have been a factor in the breakdown of law and order.

CHILD VICTIMS OF VIOLENCE IN SRI LANKA

The conflict between Tamil extremist groups and the Sinhalese majority of Sri Lanka has not spared children.

An Amnesty International document dated 9 January 1985 gives the following details:

- According to an eye-witness account, on 12 August 1984, army personnel slashed the face of a 13 year-old boy with a broken bottle, causing him to bleed profusely. He died in hospital as a result of his injuries.
- A man who was himself subjected to torture recounts the fact that a "small boy" accompanying him to buy fish was interrogated and beaten by army personnel at Keerimalai on 20 September.
- Children were among the 65 Sinhalese civilians killed in the Mullaitivu district, by members of a Tamil extremist group on 30 November.
- Children were also among the 102 victims—mostly Tamil—killed on 4 December in the Mannar area by security forces in a reprisal attack.
- On the same day, army personnel allegedly fired indiscriminately at the inhabitants of Parappankandal, killing a nursing mother whose child survived despite having three toes shot off.
- Sri Lankan Tamils seeking political asylum, even those as young as 15, risk arbitrary arrest, *incommunicando* detention and ill-treatment if subjected to refoulement.

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PULL-OUT SUPPLEMENT
New Draft Convention Articles

- Adoption of (almost!) five draft articles
- Non-industrialised countries more active
- NGOs congratulated on their input
- Sights set on '88?

RUSHING SLOWLY

A report on the 1985 meeting of the UN Working Group on the Question of a Convention on the Rights of the Child (28 January-1st February, Geneva)

True, the UN General Assembly had requested in 1984 that a special effort be made to come up with a final draft text for the Convention this year, in honour of the fact that it is International Youth Year. True, this goal was anything but reached, and the number of draft articles adopted during this session was hardly greater than average. But true too that the practised eye could detect a little more sense of urgency than before. One might describe it as rushing slowly...

PARTICIPATION UP

Both participation in itself (i.e. attendence) and **active** participation were higher than average this year - we counted over forty delegations present, almost half representing the non-industrialised countries. Apart from a general renaissance of interest in the draft Convention, two factors may have contributed to this: firstly, the fact that for the first time since work on the draft Convention began, there were no simultaneous meetings of the Working Group on the Convention on Torture (drafting of which was completed in 1984); secondly, the NGOs had organised an "information meeting" for governmental representatives in December, and many of those who attended had never or rarely taken part in the Working Group meetings previously.

The participation of delegates from the "South" was particularly encouraging and positive. It is recognised that the non-industrialised countries are greatly hampered by the limited resources they can devote to such meetings - the Senegalese delegate, for example, was running between three different UN meetings going on at the same time. This did not prevent him and, notably, delegates from Algeria, Bangladesh, China, and Mexico from putting forward the South's point of view far more forcefully than usual, and with concrete results in the draft texts adopted.

Although the members of the Working Group are those countries on the Commission on Human Rights (numbering 43), observer nations can play an equally important role. Algeria and Canada, both observers, are among the most active delegations.

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THE DRAFT CONVENTION ON

Texts adopted by the UN

Article 12bis – HEALTH

1. The States Parties to the present Convention recognize the right of the child to the enjoyment of the highest attainable standard of health and to medical and rehabilitation facilities. The States Parties shall strive to ensure that no child is deprived for financial reasons of his right of access to such health care services.
2. The States Parties to the present Convention shall pursue full implementation of this right and in particular, shall take appropriate measures to:
(a) diminish infant and child mortality;
(b) ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
(c) ensure appropriate health care for expectant mothers;
(d) encourage the provision of full and accurate information regarding methods of infant nutrition, including the advantages of breast feeding;
(e) ensure the provision of information to and training for parents and children in basic health care, sanitation and prevention of accidents;
(f) develop preventive health care and family planning education and services.
3. States Parties to the present Convention undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, particular account shall be taken of the needs of developing countries.

Comment

On the whole, the text of this draft article can be looked upon as satisfactory. Several recommendations made by the NGOs have found their place therein, notably explicit reference to the concept of primary health care (para. 2 b) and to the need for family planning education and services (para. 2 f), as well as to the promotion of breast feeding (para. 2 d) – albeit, in the last case in particular, in a much attenuated form (Algeria had in fact tabled an entire draft article on this one subject). Also salutary is the mention (para. 2 e) of the prevention of accidents, as is the inclusion of para. 3 on international cooperation, the idea for which came from the Senegalese delegate and which adequately reflects the NGO proposal that *"special attention should be given to children of developing countries"*.

On the negative side, neither the question of protection from medical investigation and treatment detrimental to the child's development, nor that of traditional practices harmful to health, were dealt with; these may be taken up again – or felt to be covered – in the context of draft article 18 (extra-familial maltreatment/exploitation).

Article 14 – STANDARD OF LIVING

1. The States Parties to the present Convention recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. The States Parties to the present Convention, in accordance with national conditions and within their means, shall take appropriate measures to assist parent- and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Comment

There are still draft texts tabled with regard to this article, which therefore has to be considered at present as incomplete. The NGOs were pleased to note the inclusion of the concept of *"social development"* in the first paragraph, which they had put forward in their proposed text. They are still seeking references to:

- special provisions for the poorest or single-parent families and children deprived of parental care;
- the fact that parental obligations to support the child do not cease when the child is living apart from them or from others responsible for him/her;
- consideration of standard of living in development planning and international cooperation programmes.

Article 15 – EDUCATION

1. The States Parties to the present Convention recognize the right of the child to education and, with a view to achieving the full realization of this right on the basis of equal opportunity, they shall, in particular:
(a) make primary education free and compulsory as early as possible;
(b) encourage the development of different forms of secondary education systems, both general and vocational, to make them available and accessible to all children, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
(c) make higher education equally accessible to all, on the basis of capacity by every appropriate means.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner reflective of the child's human dignity.
3. The States Parties to the present Convention shall respect the rights and duties of the parents and, where applicable, legal guardians to provide direction to the child in the exercise of his right to education in a manner consistent with the evolving capacities of the child.
4. The States Parties to the present Convention shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world, and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

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THE RIGHTS OF THE CHILD

Working Group. January 1985

Comment

In discussing this article, the UN Working Group decided to restrict it to the context and form of education, preferring to deal with the aims of that education under draft article 16. This being so, the basic right outlined in para. 1 can be considered satisfactory. It can be noted that the NGOs formulation, in para. 1 b, of *"various forms of secondary education systems, both general and vocational"* was adopted virtually intact. The NGOs were particularly pleased, however, with the inclusion of para. 2, directly inspired by the NGO proposal aimed at the prohibition of corporal punishment in schools, the only text tabled on this question. Para. 4 is the result of a draft text tabled by Algeria (as indeed is para 1 c) and constitutes a positive addition. The NGOs regretted, however, that no mention was made of the development of educational programmes for children who had not been able to receive or complete primary education.

Article 16 – AIMS OF EDUCATION

1. The States Parties to the present Convention agree that the education of the child shall be directed to:
(i) the promotion of the development of the child's personality, talents and mental and physical abilities to their fullest potential and the fostering of respect for all human rights and fundamental freedoms;
(ii) The preparation of the child for responsible life in a free society, in the spirit of understanding, tolerance and friendship among all peoples, ethnic and religious groups;
(iii) The development of respect for the natural environment and for the principles of the United Nations Charter.
2. No part of paragraph 1 of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Comment

Rather than being devoted to *"preparation for a responsible life"*, as the NGOs had unofficially and for convenience entitled the draft article, it now deals somewhat more restrictively with the "aims of education", including some elements from the original draft of article 18 (notably in para. 1 (ii)). As such, and despite the surprise addition of para. 2 at the instigation of the Netherlands (and which is taken straight out of the International Covenant on Economic, Social and Cultural Rights), it is in keeping with NGO thinking on the question. In particular, the NGOs were pleased that their proposal to include a reference to education *"in harmony with nature"* received support and, after discussion, was formulated (in para. 1 (iii)) in a most appropriate way.

Article 17 – LEISURE AND RECREATION

1. The States Parties to the present Convention recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. The States Parties to the present Convention shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Comment

Without a doubt, the text adopted for this article – a combination of a Canadian first paragraph and US second paragraph – left the most to be desired of the various draft articles agreed upon during this meeting of the UN Working Group. To begin with, the second paragraph adds little to the first. In addition, several issues were brushed aside, notably:

- the question of providing opportunities and facilities for children with special needs, i.e. different forms of handicap;
- the idea that housing and town planning authorities in particular be encouraged to pursue the realisation of the rights contained in the article.

The subject of this draft article is too often looked upon as a secondary or even less important consideration. This commentary is not the place to argue the case. Nonetheless, if the theoretical granting of rights to children is designed to ensure their optimal overall development, each link in the chain has an equal importance. The experience of the "industrialised nations", with the highest rates for schooling and health care, but also the highest rates for child and adolescent suicide, is eloquent in this regard. No less eloquent is the fact that Japan, with one of the highest child suicide rates in the world, could not accept the obligations of this article as it stands, and formally announced a reservation in this respect.

That the (accepted) Canadian proposal contained a reference to the child's right to play was positive. But the way in which this and the other "rights" granted in this article were rushed through was not. In the interests of speeding up the drafting of the Convention, the interests of the child were neglected – a constant danger. Those who read the Convention will still think that this article is talking about dominoes and theatre tickets. If it is, it shouldn't be. And it is DCI, which spends somewhat more time on cases of child torture and exploitation than on the recreational problems of inner-city children, that says so.

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SPEEDING UP ?

Everyone—the UN, individual governments and the NGOs—has expressed the strong wish that the draft Convention be completed as soon as possible. Achieving that aim is a different story, however. Hopes that next year's meeting could last two weeks instead of the usual one now seem to be unrealistic. At the same time, it seems equally unrealistic to expect work to go a great deal faster during the meetings themselves—one article per day would appear to be a maximum objective. It may also be a desirable maximum, if one judges from the content of draft article 17 (see this Supplement) which was pushed through quickly but with a lack of due consideration and debate that makes the final text wholly unsatisfactory.

Two things would surely help to expedite matters. Firstly, governments should develop their pre-meeting concertation initiatives, thereby avoiding as far as possible differences of views during the Working Group. Secondly, as much useful documentation as possible should be made available in good time to the delegates by the Secretariat to the Working Group, to facilitate the formulation of draft proposals that take into account existing international provisions and other relevant texts.

NGOs AND IGOs

The non-governmental organisations had, as in the previous year, prepared a report on the results of their consultations, which was submitted to the Working Group. Several elements in this report found an echo in the draft texts adopted. The work of the NGOs prior to and during the Working Group was, moreover, acknowledged by the Norwegian delegate, towards the end of the meeting. In his statement, he congratulated the NGOs for their "constructive contribution" and expressed the hope that the Group could count on NGOs' "competence and enthusiasm" in the future.

In contrast, he noted the need for increased collaboration on the part of the UN system, especially UNICEF. In fact, since UNICEF has given useful support to the NGOs in their consultations and was represented almost throughout the Working Group meeting (and we gather that this is likely to be the extent of its cooperation in years to come as well), the NGOs have had less cause for concern about that agency's lack of direct input recently than had been the case earlier in the drafting process (cf. *Monitor* 0.0). More to be criticised this year was the absence of the World Health Organization (which had been expressly informed that the draft article on health was likely to be dealt with at this meeting) and UNESCO (for the draft articles on education and recreation/leisure). The potential contribution of inter-governmental organisations (IGOs) was clearly demonstrated during the debate on the "health" article: because the UNICEF representative was there, she was asked to give her agency's point of view on the inclusion of a reference to "promotion of breastfeeding" in this article. Not unnaturally, governments do look to "their" specialised organisations for advice such as this, and without doubt UNICEF's response in this instance was instrumental in the final decision to incorporate mention of the advantages of breastfeeding.

NEXT YEAR AND BEYOND

It is not utopic to believe that at next year's meeting, the drafting of all substantive articles can be completed. There remain just two of the original Polish draft—"exploitation" and "penal questions"—and so far four additional texts—"armed conflict", "birth out of wedlock", "drugs" and "disappearances". One would hope that the two "original" articles could be adopted in the first two days, leaving sufficient time for considering the four new proposals (none of which contains more than two paragraphs) and tying up a number of loose ends.

Thereafter come two major tasks: consideration of the draft articles relating to "implementation", and the second reading—not necessarily in that order. It seems feasible, to the extent that preparation is adequate, that each task be completed within a week.

So we are setting a target date of 1988. We hope that we are not alone...

(N.C.)

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Meeting of Asian experts on child exploitation :

PREVENTION THROUGH INFORMATION

Efforts to prevent the exploitation of child labour and child prostitution depend to a large extent for their success on the effective dissemination of information about the problems involved and legislation that exists to combat them, as well as on the development of community interest and awareness on these issues. It is this message that comes through strongly from the conclusions and recommendations of the Meeting of Experts on "The Exploitation of the Child", held on 12 and 13 November 1984 in Singapore, and organised by the Human Rights Standing Committee of LAWASIA (The Law Association for Asia and the Western Pacific).

Clearly recognition of the problem, commitment by national governments to address it, and the enactment and implementation of appropriate legislation to this effect are fundamental. But it is precisely the refusal to admit the need for tackling child exploitation, the inadequacy of laws and, in particular, failure to implement the latter that could be changed substantially through wide awareness and concern about the causes and dramatic effects of the phenomenon.

The meeting emphasised that child exploitation in the region is not an isolated phenomenon: it is, in the main, the result of dire poverty and the breakdown of family relationships, says the report.

Among concrete measures in the sphere of **child labour**, the meeting proposed compulsory minimum wages and basic labour privileges and regulations, distinct allocations of government funds for educational and technical training programmes, and the encouragement of suitable programmes in the private sector for the welfare of children in employment.

More specifically on **child prostitution**, the meeting recommended the allocation of government funds for rehabilitating the victims.

Emphasis was also placed on the need for governments not only to take appropriate measures themselves, but also to recognise the importance of the role of non-governmental initiate cooperation with them. LAWASIA is planning a follow-up workshop on this theme in December 1985, in Kuala Lumpur.

LAWASIA: 170 Phillip Street, Sydney NSW 2000, Australia.

HONDURAS
TORTURE OF A TEN-YEAR OLD BOY

The Honduras daily *El Heraldo* denounced, in its 1st November 1984 edition, the alleged torture of 10 year old Ramón Alberto Ortiz Hernandez by State security agents (DNI).

The boy, accused of having been present at, or party to, a theft, was reportedly subjected to electric shocks and the *capucha* (hood).

Ramón had already been returned to the care of his mother when the denunciation was made.

CAPITAL PUNISHMENT

Reports in November 1984, received by Amnesty International, gave grounds for fearing that seven schoolchildren in Somalia, all aged under 18, who had been sentenced to death, would be executed within days. The Italian authorities, who were acting as intermediaries between Ethiopia and Somalia, took up the case and the Somali government responded quickly, commuting the sentences of all seven. It is hoped that the long terms of incarceration imposed instead will also be promptly reviewed and reduced.

It is not irrelevant to note, however, that over 50 young people are under sentence of death in the USA, for crimes committed when they were under the age of 18 —some were as young as 14 at the time of the offence. The threat of execution, hanging over these young people for years on end, surely constitutes a form of "cruel and inhuman" treatment.

The International Covenant on Civil and Political Rights expressly prohibits the imposition of the death penalty for crimes committed under the age of 18, whatever the age at which the offender is tried. Neither the USA nor Somalia have ratified the Covenant.

THAI REPORT
HIGHLIGHTS CHILD SLAVERY PROBLEM

The most recent issue of the *Human Rights in Thailand Report** contains several devastating accounts of child slavery and torture of children.

The document describes in particular the plight of hilltribe girls—from both Thailand and neighbouring Burma—who have been lured into prostitution in Bangkok and other Thai towns. The Burmese girls are said to be taken across the border at Mae Sai upon payment of bribes to officials. They and their Thai counterparts end up incarcerated in brothels with little or no salary, minimal food and the likelihood of severe maltreatment. Their age can be as low as 11 years. They often speak only their local dialect, which increases their helplessness. In addition, it appears that even when the girls are rescued, those from Burma can be repatriated only with difficulty, since they belong to minority tribes that are in conflict with the Burmese government.

The Report also documents the case of a 14-year old "baby sitter", whose employers, a married couple from Bang Khunthian (Thonburi) have been charged with attempted murder, child slavery and unlawful detention. The girl claims that she was subjected to constant physical torture. She was found, semi-conscious, in a wardrobe. Her father testified in court that he had been paid 1,250 baht (approximately US$ 45) to send his daughter to work for the couple.

* Vol. 8 No. 3, July-December 1984. Coordinating Group for Religion in Society, 495-44 Soi Yoo-omsin, Jarmjomtiewong 40 Road, Bangkok 10700, Thailand.

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MARKET FORCES

Recent developments seem to indicate that more and more people, increasingly aware of the issue, as well as the authorities of some countries, have been taking a stronger stand on the problem of the sexual exploitation of children, particularly child prostitution and pornography involving children.

Two national chapters of Defence for Children International (DCI USA and DCI Netherlands) have recently had occasion to note a special concern with these issues in their respective countries.

Thus, in November 1984, the North American chapter of DCI was invited by the United States Senate Permanent Sub-Committee on Investigations to appear at a public hearing on child pornography. On 29 November, DCI USA submitted a Statement entitled "Commercial Child Pornography and Pedophile Organizations", which was widely publicised and from which we reprint extracts below.

The Netherlands, as we know, is the only West European country where pornographic material involving children has been freely on sale. This may soon change: the Netherlands Minister of Justice submitted to Parliament on 2 October the text of a draft article to be included in the Penal Code, which would make it punishable to utilise persons under sixteen years of age in the production of pornographic material. Professor Jaap E. Doek, President of DCI Netherlands, recounts below the steps which led to the drafting of this text.

And finally, to round out this brief "case file", we publish an article by Dan Campagna, member of the faculty of the Department of Political Science at Appalachian State University (USA), who takes a look at the economics of juvenile prostitution in the United States. His original approach reveals the gigantic proportions of this "market" in terms of dollars and cents, and thus throws light on a core aspect of the problem of child prostitution: its economic implications and the huge financial interests that are at stake.

Dominique Liverillé

EDITED EXTRACTS FROM A STATEMENT TO THE US SENATE COMMITTEE ON GOVERNMENT AFFAIRS, PERMANENT SUB-COMMITTEE ON INVESTIGATIONS

Statement prepared by
Prof. Kenneth J. Herrmann, Jr.
and Michael J. Jupp
on behalf of DCI USA

Defense for Children International USA wishes to express its gratitude to the members of this Sub-Committee for the opportunity to express its findings and its views on this important subject before the United States Senate.

We wish to make clear from the beginning that there is much that can be accomplished to suppress this trade in children if the political will is present, if the proper resources are made available, and if a purposeful and creative approach is used. We sincerely and respectfully express our hope that this is not just another committee hearing where the findings will be relegated to obscurity.

Findings

It would seem appropriate to begin by telling you about Jesus, age nine. DCI USA became aware of this angelic looking Hispanic boy on August 17, 1984. He arrived at a day camp on the Lower East Side of Manhattan in New York City that morning in tears and walking as though in pain. A youth worker took the time to talk with him. The story of Jesus is one of horror. His horror is shared by millions of other younger and older children. He is a native of Acapulco, Mexico. The father of his large and very poor family was approached three weeks before by a visiting Anglo who offered to take the boy to New York, provide him with an education, teach him English, and eventually find him a job. Some money changed hands; we do not yet know how much; and Jesus came to the Lower East Side of New York City. The neighborhood is described by the New York City Police as "the drug supermarket of the world". It is populated by rows of derelict buildings and what appear to be countless derelict people. The effect of the community was traumatic for Jesus. The repeated sodomizing by the Anglo was even worse. Because calls to the "hot line" for child abuse and to the New York City Bureau of Child Welfare resulted in no response, the day camp called DCI USA for advice. As a result, the child was taken to a precinct station and the Anglo was arrested. Inquiries of local people revealed that the Anglo had

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OR FORCE OF THE LAW?

brought a boy of similar age from Mexico the previous summer and a boy from the Dominican Republic the summer before. Those two children have never been located. We also do not know if photographs had been taken of the children being sexually victimized for sale in the child pornography market. The case is still being investigated by DCI USA.

The four aspects of the sexual exploitation of children are exemplified in the story of Jesus: child trafficking, child pornography, child prostitution, and pedophilia.

Denmark is an example of one nation in which child pornography results in few arrests and prosecutions. This is not an issue of police corruption but rather an issue of a problem having low priority, a problem shared by most children's issues both nationally and internationally.

DCI is disturbed by reports received from US tourists and professionals who have returned from the Philippines. It appears that the number of children engaged in prostitution in that country is unusually high near US military installations. It was also reported to DCI USA on October 19, 1984, by Sgt. Thomas Rodgers of the Indianapolis Police that there is a disproportionately high number of US military officials on child pornography distribution lists.

A shocking report was received by DCI at their general membership meeting at the International Congress on Child Abuse and Neglect in Montreal, Canada, in September 1984 of an actual child auction in Amsterdam, the Netherlands. This event was allegedly not isolated. It saw the buying and selling of children by photograph for the purposes of pornography production and child trafficking for such purposes. We are still investigating such reports and believe that such activity may take place in a variety of nations.

The children who enter this market are frequently street children, whose numbers are estimated to be up to 170 million children, or 3.8 per cent of the world's population. No more than 500,000 receive services by professional agencies. The vast majority of these hopeless children live without care and supervision and are readily available for the exploitation we are concerned about today. It was reported at the "Shelter the Children '83", an international conference in New York last year, *"There is also the growing awareness that many young girls, while not actually living on the streets, suffer similar deprivation as indentured house servants, child prostitutes or the reluctant mistresses of rich men."* This is a major problem in Central and Latin America, Africa and East Asia. Although in smaller numbers, the problem is escalating in London, New York, and other developed nations.

Many of the other children who enter this market are sold by economically deprived parents who have to make the terrible choice between selling their children or starving. Some come from the international adoption system. Others are children stolen from families in the United States, Europe, and other nations. It could well happen that a child missing from Washington today could be seen in pornographic pictures next year in Germany. This approach to supplying children affects all socio-economic groups.

International trafficking of children is conservatively estimated as a five billion dollar business. There are considerable sophisticated networks linking these issues internationally. The children involved in this broad problem *all* suffer irreparable damage with severe social consequences for both the countries in which the victimization originates and in which it is consumed. There are no national boundaries for such activities, as is illustrated by the story of Jesus this past August and the children who preceded him.

Progress in efforts to combat this problem

Efforts have been made to fight this problem of the sexual exploitation of children around the world. None of them has been successful. Some have made progress.

We are pleased to report that Professor Jaap Doek, member of the DCI Executive Council and a family court judge in the Netherlands, informed us on November 6, 1984, that Mr. Korthalls Altes, the Dutch Minister of Justice, has submitted a bill to Parliament, prohibiting the production, distribution, and possession of all forms of child pornography. (See accompanying article by Prof. Doek. (Ed.)

Ingrid Almbadh, Secretary to the Swedish Commission on Sexual Offenses, has informed us regarding proposed amendments to Sweden's penal code that will broaden the criminal definitions of sexual misconduct and increase the penalties for the sexual exploitation of minors and the production of child pornography.

There are, of course, several international treaties addressing this issue: the Convention for the Suppression of the Traffic in Women and Children, 1921 (as amended by the Protocol of 1947); the International Agreement for the Suppression of the White Slave Traffic, 1904 (as amended by the Protocol of 1949), ratified by the US Senate but poorly enforced in the case of Jesus and countless others; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949; the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, 1923 (as amended periodically); and, of course, the UN Declaration of the Rights of the Child.

Although these pieces of legislation are or are in the process of being enacted outside the United States, they are of critical importance to American children. There is no distinction in this world of the sexual exploitation of children between a domestic and an international market. The conventional wisdom among many investigators has been to distinguish between the "glossy" commercial child pornography—much of which has been produced in Europe—and the low-quality or home produced pornography of the United States. We have seen copies of photographs of ►

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CHILD PORNOGRAPHY AND LEGISLATION

Prof. Dr. Jaap E. Doek

In many presentations on child pornography, the Netherlands is often mentioned as one of the countries where this type of pornography is produced, from where it is distributed and where its sale is allowed and can be effected without serious risks of (penal) prosecution.

Recently, however, there have been developments over the next few years, may well change the situation. It is not unlikely that the Netherlands will very soon no longer be the paradise for child pornography producers, distributors and sellers that it is today. This forecast is based mainly on the fact that the *Tweede Kamer* (roughly equivalent to the House of Representatives) of the Dutch Parliament has accepted a bill on pornography that contains important provisions on this question. This bill is now before the *Eerste Kamer* (Senate) for global approval.

Bill 15.836 and the influence of the women's movement: an interesting lesson

This Bill was submitted to the Dutch Parliament as a result of the report of the National Committee set up to advise the government about possible changes in the Public Morality Act[1], more especially as far as it deals with pornography. The Bill was submitted on 5 October 1979, and its history gives an interesting picture of the development of a piece of legislation over the past five years.

In view of certain basic human rights which are of special meaning in this regard, i.e. the right to freedom of thought, conscience and religion, the right to freedom of expression and the right to respect for private life, the legislation was based on the principle that the State should only intervene when and where really necessary. Therefore the legislator was pursuing two main objectives with this Bill:

(a) protection of citizens against unsolicited or unwanted exposure to pornography;

(b) protection of young people against particular forms of pornography.

For our purposes here, it is this latter aspect which is more particularly relevant.

Article 240[a]

> *Any person who provides, offers or shows to a minor, whom he knows or reasonably could have known to be younger than 18 years of age, a picture or object the showing of which is considered to be harmful for persons below the age of 16, shall be punishable by imprisonment for a maximum of two months or by a fine of up to 2,000 florins.*

The committee responsible for preparing this Bill asked in its Preliminary Report (22 April 1980) whether it was possible for a judge to decide what is considered as harmful for minors, and why the possibility of harmful risks was not taken into account when pornography was in written form. Members of this committee were thus doubting whether it was really possible to label pornography as detrimental. This was the expression of a general trend to liberalize almost all the forms of pornography.

In his answer (12 January 1981), the Minister of Justice argued for the maintenance of the proposed text of Article 240[a].

In the final report (12 March 1981), members of the Christian Democratic Party explicitly asked for special provisions in the law to protect minors against involvement in the production of pornography. So far, the Bill had not given rise to serious debate in the media because, at that time, there was no fundamental disagreement about the proposed provisions and the general trend of liberalising policy concerning pornography.

But the response of the Minister of Justice was not published until 6 July 1984 (!), over three years later. The reason for

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known American children that have been circulated through informal, domestic markets which appear years later in the European market and are recirculated in the United States.

The commercial trade in child pornography was once prevalent more than today in the United States. It partially moved to Europe because of the lower risk in production. Many of the photographs used originated here.

There is a developing market for child pornography supplied to our country from East Asia. We are investigating the source and believe it may originate in Thailand, the Philippines, or Sri Lanka.

Recommendations

- The issue must be seen as not merely the exploitation of children by adults but also as exploitation of the lesser developed nations by the more developed nations.
- Efforts to educate the public must be supported. Inadequate public recognition of the scope and complexity of the subject has resulted in little funding for investigation. Money must be made available and must be invested in both public education and in investigations by public and private organizations equipped to provide such services.
- There is a need to review, consolidate, and *enforce* existing treaty, laws and conventions. Strong enforcement has been lacking, and we wish to submit this as the key to breaking the high levels of illegal activity which exist today.
- We urge the creation of a Clearinghouse to identify the producers and distributors of child pornography and those engaging in the international trafficking of children for sexual exploitation wherever they may be. This would prompt local police action to seize equipment and supplies and to confiscate material. It might also identify the children involved and assist in returning them to their families.

As it took the combined effort of the Anti-Slavery Society and the British Navy to stop the slave trade, the same combination of public and private action may serve to stop this devastating trade in children. ■

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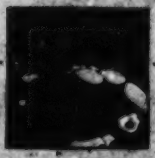

IN THE NETHERLANDS

this exceptional delay? was as follows. In the course of 1991, the Minister of Justice received a large number of letters from women's organizations criticizing the Bill and stressing among other things the fact that pornography was becoming more and more violent and that it discriminated against women in many respects. As a result of these protests, at the end of 1991, the Minister of Justice asked the National Council for the Emancipation of Women to give advice about the possible implications of the proposed Bill for the position of women in Dutch society. The Council concluded its response by saying that the Minister of Justice should not continue with the discussion of the Bill in Parliament. The Council pointed out:

- that the report of the Committee of the Public Morality Act, which was the main basis for the Bill, had been published in 1972;
- that research was therefore necessary to update the information, and in particular research should be carried out on the relationship between the increase of violent pornography and violence against women and the relationship between child pornography and sexual abuse of children;
- that more attention should be given to the production of pornography under duress and to the discriminating effect of pornography for women.

As a result, it was only after a new government and a new Minister of Justice had taken office that the decision was made to pursue discussion of Bill 19.639.

Bill 19.639: amendments, discussions and questions

In his answer of 9 July 1992 the Minister of Justice proposed few changes in the pending Bill. But after the debate there were a number of developments which probably had an impact on the attitude of the Minister of Justice.

Firstly, at the end of this same month (July 1992), the Amsterdam police undertook a "razzia" (raid action) on the child pornography networks (banks, magazines, films, videotapes, etc.). This initiative received considerable attention in the press, e.g. articles in national magazines similar like *Vrij Nederland*, 25 July 1992; *De Tijd*, 10 August 1992, with statements by experts in the field showing the danger child pornography exists for children involved.

Secondly, the Minister of Justice was interviewed for the NRC documentary "Stand Alone" in which the various controversial aspects of the child pornography problem were shown. This documentary was broadcasted not only in the USA but also in the Netherlands on 30 October 1992 (the Minister of Justice had no doubt been informed beforehand about this broadcasting).

It is difficult to say which other activities (such as those carried out by the Dutch section of Defence for Children International and other members of Parliament) also influenced the opinion of the Minister of Justice, but on 2 October 1992 he submitted an amendment with the proposal to insert a new Article 240[b] (Bill 19.639, No. 17) in the Penal Code as follows:

[redacted]

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> "any person who distributes or openly exhibits or who with a view to distribution or open exhibition produces, imports, conveys in transit, exports or openly or secretly possesses [including by the use of information media such as film or videotape cassettes] any printed or pictorial matter which a person whom, before the age of 16 years is known shall be punishable by imprisonment for a maximum of three months or a third category fine [maximum 10,000 florins]."

During the discussion on Bill 15,539 in the *Tweede Kamer*, many representatives of the various political parties paid serious attention to the problem of child pornography. From that discussion the following conclusions can be drawn:

- there is almost unanimous support for the provisions dealing with child pornography (Articles 240[b] and 240[c]) among the members of the *Tweede Kamer*; this support was expressed in a positive vote on 8 November 1984;
- Articles 240[b] and 240[c] as proposed lead to some questions which have been discussed in the *Tweede Kamer*; some of the main conclusions are:

(a) It will be up to the judge to decide what is "harmful" (Art. 240[b]) in individual cases. The Minister of Justice explained that not only sexual violence can be harmful but also sexual acts without violence. It is furthermore not excluded that violent acts without a sexual component fall within this provision; the text of Article 240[b] does not limit its working to "sexual" pressure or objects.

(b) Article 240[b] is based on the irrefutable assumption that a child below the age of 18 cannot be voluntarily involved in child pornography productions (counter-evidence is not possible). But what about the production of child pornography which has been staged using tricks to make it look like child pornography? That falls also within the definition of Article 240[b] and is thereby punishable, according to the Minister.

(c) What happens if the defendant argues that it was not obvious that the child involved was younger than 16? At first sight as it concerns children from 0-12 years, there is, in the opinion of the Minister, no reason for any doubt. Those children obviously look younger than 16. In other cases it might be difficult—in particular when the identity of the child is unknown—to prove that the accused knew or could have known that the person(s) was (were) younger than 16.

Concluding remark(s)

The history of Bill 15,539 shows how—above all thanks to the influence of the women's movement—the attitude of the legislator towards pornography in general and child pornography in particular has changed since the beginning of the 80s. Child pornography has finally been considered as a serious problem that falls within the scope of the Penal Code. Statements of the Minister of Justice hold one to believe that child pornography will be severely prosecuted. In this context, he has expressed his willingness to participate in international efforts to fight against this phenomenon.

Once the *Tweede Kamer* has dealt with the Bill it can be expected that during the course of 1985 the Netherlands will for the first time have effective legal instruments to combat child pornography.

It will then be up to the Minister of Justice and public prosecutors to make full use of these instruments.

Organizations concerned, such as the National Society for the Prevention of Child Abuse and the Dutch section of Defence for Children International, will closely follow the activities of the responsible authorities as soon as the new penal provisions come into force. (J.E.D.)

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1. Sex as such is not a separate piece of legislation but a special chapter of the Dutch Penal Code (Book II, Title XIV: Crimes against morality, articles 239-254 dealing with—among other matters—pornography, rape, sexual assault, incest, exhibitionism).
2. The publication of the British recommendations in the preparatory phase had been quite normal: Bill with explanation, 5 October 1979; preliminary report of the Commission, 22 April 1980; answer from the Minister of Justice, 12 January 1981; and final report of Committee, 12 March 1981. The question of criminal actions should have reached in a final manner of the Minister in Summer 1981 and public discussion in the *Tweede Kamer* in the autumn of that year.
3. Most important was the proposal to add a special provision dealing with exhibitionism (new Article 429[f], Penal Code).

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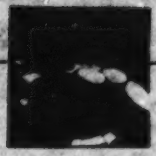

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THE ECONOMICS OF JUVENILE PROSTITUTION IN THE USA

Daniel Campagni
Appalachian State University,
Boone, N.C., USA

According to a three-year investigation into the sexual exploitation of children, known as the "Meese Rush" report, there are 100,000 - 200,000 juveniles (boys and girls) engaged in prostitution on a regular basis in the United States. This estimate is derived from the results of a national survey of 896 police departments in 50 states, supplemented by an additional survey of 128 social service agencies and field surveillance studies of targeted cities where "kiddie pros" could be observed or interviewed.

It is evident that juveniles represent a substantial proportion of the commercial sex trade, not just in prostitution but in subsidiary areas such as pornography and "exotic" dancing. There is in fact every reason to believe these children have a great market value that extends the traffic in adult prostitutes. The purpose of this article is to review succinctly the economic dynamics of this issue. How much money is generated, and who profits, from the labour of child prostitutes in America?

There is a very simple formula that can be used to calculate the gross yearly revenue of this trade. It is a type of sliding scale, adjusted according to the perceived volume of juvenile prostitutes and employing a minimum-maximum range of essential variables, including the number of working days per year and daily income from the activity. This crude formula, however, is reliable inasmuch as it depends on conservative estimates, e.g. $10 per transaction, substantiated by first-hand knowledge of the business as provided in the "Meese Rush" investigation. The results of this formula can be effectively translated into an operational table:

V = A x B = R ($)

Base number of prostitutes	Working days	Daily income	Annual gross revenue (in thousands of dollars)
200,000	260/180*	$40/$15**	1,872,000/312,000
150,000	260/180	$40/$15	1,404,000/234,000
100,000	260/180	$40/$15	936,000/156,000
50,000	260/180	$40/$15	468,000/78,000

* Estimated as minimum 4 or minimum 3 working days a week x 52 weeks.
** Expressed as minimum 3 or minimum 1 transaction/kid a day x $10.

These figures are, to say the least, both enlightening and astonishing in their implications. The gross annual revenue varies from almost 2 billion to 78 million dollars, depending on the volume of juvenile prostitutes selected for establishing. Even at the lowest level (50,000 prostitutes, corresponding to just 50 % of the minimum estimated figure), the income is at least equal to, if not greater than, the gross national product of many developing nations. Keeping in mind that this table uses extremely conservative loss figures for the A and B variables, the results clearly indicate that, in addition to being socially used, child prostitutes are economically active on a systematic, unprecedented scale in the United States.

What becomes of the fruits of their labour? Who profits, in other words, from this illegal enterprise? The most immediate recipients are those directly involved in its perpetuation, such as pimps, madames, hotel and massage-parlor owners. They receive the lion's share of the revenue of which a minuscule portion filters down to the child prostitute. An unknown share is recycled back into the economy by the juveniles through the purchase of services and goods, including food, drugs, clothes, clothes, and transportation. Others, such as bartenders, cabdrivers, and corrupt vice officers benefit from kickbacks from pimps or customers in exchange for referrals or official protection from arrest. In any event, most of this untaxed income is eventually returned to the community where it adds to both the gross national product (cash flow) and the national debt (loss of taxable revenue).

These various figures help put into perspective the extent to which juvenile prostitutes are economically exploited. They reflect the highest disparity of commercial sex; those who are most routinely victimized reap the lowest financial rewards. This is particularly true for children who must sell themselves in order to survive. There is a situation economists refer to as diminishing returns on a capital investment. As these juveniles age, so their "market value" decreases. There is, in essence, no such thing as a wealthy child prostitute.

The process of exchange involving prostitutes, customers, and peripheral participants e.g. pimps, guarantees the continued economic and sexual victimization of child prostitutes. Without a steady demand, supply would disappear. Such cold observations do not even hint at the trauma, emotional or physical, inherent in an adolescent prostitute's short life. Nor do they touch upon key issues regarding the political or cultural values of a society willing to subsidize juvenile prostitution. They do, however, make it abundantly clear that a segment of the adult population in the USA has a vested financial interest in, and commitment to, the perpetuation of the sexual trafficking in children. ■ (D.C.)

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NEW EDITION OF CHILD LABOUR BOOK

A second, revised edition of Child labour: a threat to health and development was published in January 1986 by DCI, in cooperation with the World Health Organization. This new version carries certain of the articles in the first edition, but most contributions are either up-dated or completely new. The length has been expanded from 66 to 110 pages.

Orders may be placed with DCI; please enclose six international reply coupons to cover postage and packing.

SCHOOL OPENED FOR IRANIAN CHILD POWs

After more than 18 months of negotiations and preparation by DCI and Terre des Hommes-Lausanne, an educational and vocational training facility for the Iranian child prisoners-of-war at Al Ramadi camp, Iraq, was officially inaugurated on 8 January 1986.

Education facility, Al-Ramadi POW camp.

"CHILDREN'S RIGHTS WEEK" IN FLORENCE

Organized around DCI's international seminar on "Children in Prison" and the movement's second ordinary General Assembly, a week-long International Congress on Children's Rights was staged by the Comune of Florence, Italy, from 3 to 7 December 1984. In addition to the two above-mentioned events, the Week comprised a series of very well attended public meetings on selected children's rights issues. (More details in the latest information bulletin for DCI members, *Info-membres*, no. 8.)

ARTICLE PROPOSED ON CHILDREN AND ARMED CONFLICT

At the last meeting of the UN Working Group, the Netherlands delegate tabled a draft text, to be considered in principle at the 1986 meeting, for an article in the Convention on the Rights of the Child dealing specifically with protecting children's rights in situations of armed conflict. This proposal, supported by Belgium, Finland, Peru, Senegal and Sweden, reads as follows:

1. States Parties to the present Convention undertake to respect and to ensure respect for rules of international humanitarian law applicable in armed conflicts which are relevant to children.
2. In order to implement these obligations States Parties to the present Convention shall, in conformity with the relevant rules of international humanitarian law, refrain in particular from recruiting children into the armed forces and shall take all feasible measures to ensure that children do not take part in hostilities.

The NGOs, at the suggestion of Rädda Barnen and the Friends World Committee for Consultation, agreed back in 1983 that the inclusion of special provisions on children and armed conflict in the draft Convention was vital. At that time, they proposed a text to which they added a paragraph in the course of their 1984 consultations. How does the above text compare with that put forward by the NGOs?

Favourably, is the basic answer, to the extent that it is apparently based on two of the three paragraphs contained in the NGO proposal. The third, omitted from the Netherlands draft, concerns more particularly the special protection to be afforded to children caught up in situations of armed conflict. There is indeed a danger that such special protection, seen as a principle, results in the undesirable splitting up of families, and even in the apparent justification of the international displacement of children (including "babylifts") with all the children's rights problems that such initiatives pose. At the same time, the spirit of the paragraph proposed by the NGOs was clearly that of protecting children from situations in which deliberate or foreseeably harmful acts are committed against them, more because of the context of armed conflict than because such actions advance the cause of the perpetrators.

Now that the Netherlands text has been tabled, the NGOs will be deciding this year whether or not to press for the inclusion of a provision granting "special protection" to children.

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international children's rights monitor

SPECIAL EDITION 1984

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THE QUARTERLY PUBLICATION OF THE INFORMATION AND DOCUMENTATION SERVICE OF DEFENCE FOR CHILDREN INTERNATIONAL

The *Monitor* seeks to foster awareness about, and efforts in favour of, children and their rights throughout the world by informing its readers about needs and initiatives in this sphere.

It is also published in French under the title : *Tribune internationale des Droits de l'Enfant.*

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TEXTS FOR PUBLICATION

Individuals and organisations are invited to submit press releases, announcements, reports and articles (not exceeding 1,500 words) with a view to publication in the *Monitor*. Texts, which must deal with children's rights/child advocacy issues, should preferably be typewritten, double-spaced, on A4 format paper, and may be accompanied by original charts and photographs. Comments and reactions to texts published in the *Monitor*, in the form of letters, are also welcome, and will be considered for publication. Views expressed may not necessarily reflect the opinions and policies of Defence for Children International, its members or sponsors.

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Defence for Children International (DCI) is an independent non-governmental organisation set up during the International Year of the Child (1979) to ensure on-going, practical, systematic and concerted international action specifically directed towards promoting and protecting the rights of the child. The organisation's aims are :
- to foster awareness about, and solidarity around, children's rights situations, issues and initiatives throughout the world ;
- to seek, promote and implement the most effective means of securing the protection of these rights in concrete situations, from both a preventive and a curative standpoint.

To achieve these aims, DCI's methods include :
- publishing information on all aspects of children's rights, through a regular bulletin for members, the quarterly *International Children's Rights Monitor* for wide distribution, and ad hoc publications ;
- taking up specific cases of violations of children's rights referred to it as an independent international agency ;
- undertaking action-oriented investigations, alone or jointly, on global issues of special concern which are found to be inadequately documented internationally, e.g. the sexual exploitation of children, children in prisons ;
- taking direct action in response to situations involving the violation of rights of specific groups of children ;
- monitoring and evaluating the practical implementation of accepted children's rights ;
- working for improved international standards in the children's rights sphere ;
- stimulating cooperation and action, nationally, regionally and internationally, to improve responses to children's rights problems.

DCI is an international movement which already has a membership of both individuals and orgnisations involved with or supporting its work in nearly 40 countries on all continents, and with subscribers, correspondents and information exchange agreements in many more. It is in consultative status with the United Nations Economic and Social Council (Roster) and with UNICEF.

Defence for Children International
P.O. Box 359
CH-1211 GENEVE 4
SWITZERLAND
Tel. : Geneva (022) 208 345

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children's rights

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Cover : Jean Augagneur

SPECIAL EDITION

This special edition of the *Monitor* marks the fifth anniversary of Defence for Children International. Volume 2 will begin in January 1985, and from now on volumes will correspond to calendar years.

Some of the others...

In recent years, UNICEF has been publishing an annual report called *The State of the World's Children*, the cover of which is reproduced on the cover of this issue. This is neither a gratuitous act on our part, nor a facile attempt at gentle criticism. It is quite simply what we felt to be an evocative way of saying that the "State of the World's Children" cannot be seen purely in terms of mortality and morbidity rates, access to education and basic health services, or nutritional levels.

These are part of the story—indeed, an important part—but there is more. There is more because well-nourished children who go to school and receive effective treatment for their illnesses have only "won" half the battle. Wherever they are, they may still fall victim to the other half. One might almost say that physical survival is the easy part, even if 40,000 die of malnutrition and preventable diseases every day. At least we know how to save the vast majority, even if we still let them die.

In contrast, we still have only a scant idea as to how to persuade governments that they should not tolerate or encourage the abduction, torture and killing of children. We still do not know how to elicit a simple admission from certain quarters that children are being physically and psychologically torn apart because they are incarcerated with adults, brutally separated from their parents, shipped from one country to another, sent to war—in other words, forced into situations that make a mockery of the fact that they were enabled—or managed—to survive.

Strange, then, that we should approach the problems faced by these children in a spirit of relative optimism, that in describing what are sometimes fatal circumstances we are all out to avoid sinking into the realms of pointless sensationalism or pessimistic narrative.

Perhaps not so strange in view of what was intimated in this space in the last issue of the *Monitor*. Something is happening in the sphere of children's rights. It is suddenly becoming an issue. All at once the bowl of rice, the tents and blankets and the vaccinations are being seen for what they are: absolutely necessary, but never sufficient.

Mid-1984. The fifth anniversary of Defence for Children International. Five years since the International Year of the Child. And something is happening. An appropriate moment, then, to take stock of the state of some of the world's other children...

Nigel Cantwell
Defence for Children International

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AN UNPRECEDENTED

Taking the floor before the Sub Commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights in August 1984, the representative of the UK based Minority Rights Group made a statement on the exploitation and abuse of children that included the following passage:

> *"It can be strikingly demonstrated in our own research and experience, and by the work of organisations such as the Anti-Slavery Society and Defence for Children International, that international legislation to protect children and secure their fundamental rights is – even when it exists – often widely neglected, and that despite a few imaginative operational programmes, children as a 'priority group' remain ill served by non-governmental organisations and government bodies alike."*

The Independent Commission on International Humanitarian Issues, set up in 1983 at the initiative of Prince Sadruddin Aga Khan and Crown Prince Hassan of Jordan, is focusing its attention on a limited number of such "issues" that, in its opinion, require far greater priority for concern and action. One of those selected is "The Protection of Children".

At the April 1984 session of the UNICEF Executive Board, the chairman of the Standing Group of National Committees for UNICEF in Europe stated in no uncertain terms that the Committees he represented expected UNICEF to play a far more active role in the formulation and completion of the Draft Convention on the Rights of the Child. The delegate of the International Committee of the Red Cross, in his statement, strongly urged UNICEF to become more involved in efforts to protect children in situations of armed conflict. At that same session, the UNICEF secretariat announced its intention of preparing a report, for the 1986 session of the Board, on "children in especially difficult circumstances" – i.e. those situations that the agency has, to a greater or lesser degree, tended to look on as falling outside its mandate to date. They are many, and from an original list of four major areas, the scope of the paper has now been widened to include – potentially at least – a review of all of them. And they are basically situations requiring the protection of children and their rights.

Amnesty International, not far from celebrating its 25th anniversary, this year decided to pay more attention to children as a special group with regard to action to combat violations of rights falling within the organisation's mandate.

For the first time, the major British development and relief agency, OXFAM, is including a section on children's rights questions in the handbook it issues to its field representatives.

Interest in the Draft Convention on the Rights of the Child has never been so high. Not only are more and more international organisations seeking involvement in the drafting process, but so are national non-governmental bodies. Governments like that of the UK, initially non-committal and passive towards the formulation of the draft text, are now being pushed into taking active stands on some of the issues. The Canadian Government is positively assailing the UN Working Group on the Convention with proposals for substantive amendments to the content of this fundamental instrument.

There is not the slightest doubt that 1984 could mark a turning point for efforts to promote and protect children's rights. The above examples are just some of many that bear witness to the sudden emergence of a collective consciousness about children's rights problems on an unprecedented level. Not even in the International Year of the Child (IYC), five years ago, was this degree of manifest concern from so many

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OPPORTUNITY

quarters achieved. At the same time, it is precisely IYC that laid many of the foundations vital to the widespread awareness that now exists. For it was the announcement of IYC that led the Polish Government to put forward the idea of the Draft Convention on the Rights of the Child. It was in IYC that UNICEF (which housed the IYC Secretariat) was suddenly confronted with a whole range of children's rights issues that it had previously managed to avoid. It was because of IYC that UNICEF was later named "lead agency" for children within the UN system and began describing itself as an advocacy organisation, meaning that sooner or later it would have to respond to calls from outside and inside to review its policy on problems facing children over and above survival and development. It was also IYC that inspired Amnesty International to produce a special booklet on "Children", the organisation's first demonstration of special concern for this group. And it was IYC that saw the foundation of the first international organisation specifically concerned with the rights of the child—Defence for Children International—which has naturally been involved with several of the developments outlined above. In other words, IYC did what it basically set out to do, which was not—contrary to what many of its critics deliberately and unconstructively intimated—to solve all the problems of the world's children by 31 December 1979. It was, rather, to put children on the map, and to try to instigate a continuous and higher level of responsiveness to their needs. The aim, then, was to ensure that "the spirit of IYC" was carried forward, indefinitely. Five years later, the signs point to this being the case.

Nonetheless, we advisely said that this year "could" mark a turning point. The existence of a high level of collective consciousness is a necessary, but not sufficient, condition for bringing about change. Change requires informed strategies and the resources and tools to implement them. The field of the protection of children's rights is strewn—some would say overgrown or even suffocated—with good intentions and worthy sentiments. It is no doubt partly because of this that, in practical terms, it is only recently that it has been seen as a field at all. Looking at tactics and the material means to employ them seems almost novel when the sphere concerned is the rights of the child; yet they are vital if the meaning of the "rights of the child" is to be anything more than that inherent in any grammatically correct phrase.

That it must be more—much more—should be so obvious that it hardly needs repeating. Unfortunately, it does need repeating. Over and over again. Fortunately, more and more people are repeating it. Equally fortunately, they are discarding the "something should be done about this" approach in favour of "we should be doing something about this, and this is what we intend to do".

This special edition of the *Monitor* is designed to contribute to such efforts, by looking at the major problems with which DCI has been confronted over the past five years. It is not exhaustive—it deals only fleetingly with questions such as discrimination, for example, and not at all with the problems of specific "categories" like street children and refugees. But within the limitations imposed, we believe it does:

- provide an information basis in a sphere in which this is sadly lacking;
- dispel the belief that "children's rights" is a marginal question—the problems involved affect millions of children;
- demonstrate that violations of children's rights are universal;
- show that effective action is both necessary and feasible.

An unprecedented opportunity exists. It is our joint responsibility to take it.

N.C.

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6 international children's rights monitor

VICTIMS OF

TORTURE

Torture and other forms of cruel, inhuman and degrading treatment are, of course, outlawed under the Geneva Conventions (in times of armed conflict) and the International Declaration of Human Rights. In addition, the text of a draft Convention on this subject was finalised sufficiently by February 1984 for it to begin its journey through the various UN bodies that, successively, have to approve it (Commission on Human Rights, Economic and Social Council, General Assembly).

There is little doubt that, from a children's rights – let alone a human rights – standpoint, there is every need for such wide concern to be expressed about torture. Children are relatively frequent victims of such treatment, especially during times of domestic tension and armed conflict.

Psychological and physical torture is employed on children in order to extract information about their activities or those of their family. Children may also be tortured in front of one or both parents in order to obtain information or confessions from the latter. Among the many reported instances in recent years, the following are unfortunately all too typical:

- Afghanistan: known torture victims have included boys and girls of 16 years of age, often arrested with their families, many of whom disappeared after arrest (Amnesty International).
- Colombia: recorded instances in the late Seventies included one where a female prisoner was confronted with her three-year-old daughter who was whipped and then immersed in a barrel of water, with the threat that she would be drowned in it if her mother remained silent.
- Iraq: a 12-year-old Iraqi Kurd, arrested on 25 February 1981, was detained for interrogation at the headquarters of the country's security forces in Karadagh. Nine days later, his body was returned to his parents, bearing the marks of severe torture which had apparently caused his death.
- Iran: girls as young as 10 and 11 have allegedly been seen under torture in Evin prison; in addition, a January 1983 report from Amnesty International stated that some forty children aged one to twelve years were in that same prison with their mothers, and were forced to watch as the latter were tortured.

Many brutal acts committed against children are tantamount to torture: severe beatings, rape or threatened rape, deprivation of food, isolation, etc. In some cases these acts are motivated by aims similar to those that underlie torture, in others they constitute forms of punishment, and in yet others they simply result from the abuse of power. Although they are clearly fostered by states of exception, internal hostilities, etc., and used more systematically in such situations, such acts are not limited in their incidence to special circumstances. Whipping and beating are considered appropriate forms of punishment in certain societies, and both deprivation of food and solitary confinement are widely used in institutions – both correctional and "caring" – throughout the world to punish children and young people in their charge. ■

When a population or nation is involved in international armed conflict or internal strife, it is not only the immediate effects of the situation that give rise to grave concern for the rights and welfare of children, but also the fact that the

KILLING

In its *Overview 81*, DCI reported the following instances:

- **Guatemala**: during the first week of February 1981, women and children were among the 168 victims of an army intervention in the villages of Papa Chala, Patzaj and Panincac, Department of Chimaltenango; on 9 April of that year, 24 peasants, including a five-year-old child were killed in Chuabajito village, in the same Department, by members of the security forces.
- **El Salvador**: on July 9, 1980, the Guadalupe Mogotes Canton in San Pablo Tacachico was surrounded and entered by the army; ranches were sacked and inhabitants threatened. A group of men took several elderly people, women and children from their homes, and ordered them to form a line and kneel; they were then fired on and killed. 31 of those killed were members of the same family; the Mojica Santos family, which was virtually exterminated; 22 of those who died were under 15 years old. The ages of the members of the Mojica Santos family killed ranged between 13 days and 85 years.

On 4 September 1980, eight National Guardsmen took Ana Maria Mira Guevara from her home at gunpoint in the presence of her children aged three and five. She was taken to the local school and tortured. She was in the ninth month of pregnancy, and the acts of torture caused the onset of labour. When the head of the baby appeared, the National Guardsmen fired several bullets, destroying her face, and broke her arms and legs. She leaves eight minor children, now in an orphanage.

Since then, reports of similar instances have continued to arrive from Central America. According to Amnesty International:

- The Guatemalan army was named responsible for an 8 August 1983 attack on an internal refuge (displaced persons) settlement between Cuxpemech and Peñas Blancas in Alta Verapaz. Thirty two people, including 14 children, allegedly died.
- The army also allegedly attacked displaced persons near the village of San José Siajá, Cobán, Department of Alta Verapaz, in September 1983. Seven children were reportedly among the casualties.

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CONFLICT

situation can spawn deliberate transgressions of children's fundamental rights, very often involving acts that are unconnected with the furtherance of the aims of the forces engaged in the conflict. It is on these deliberate acts that a special focus is needed.

Such instances are in no way confined to Central America, however. Children and young people have been killed by members of the armed forces or other government agents in all regions of the world. In virtually all cases, it seems that the perpetrators could have, at the very least, foreseen that children were at risk of being killed or severely injured. In many cases the killings were clearly deliberate.

- **Chile**: several children and young people have been killed during the recent series of "Protest Days" by government troops.
- **Morocco**: Countering demonstrations—largely involving children and young people—in June 1981 and January 1984, the armed forces killed an unknown number of children, but reportedly 300 during the first demonstration alone.
- **Northern Ireland**: In 1981, three children—two aged 14 and one aged 11—were killed by the armed forces. They are not the most recent victims.
- **Thailand**: In August 1981, uniformed rangers fired on a crowd believed to contain a communist leader. Children were among the 11 people killed.
- **Namibia**: In November 1981, a British church delegation reported finding a number of (military) incidents involving children, in one case, South African soldiers had shot indiscriminately at a hut and killed two boys, aged 8 and 15, who were sleeping inside.
- **Argentina**: The mass graves now being discovered from the 1976-1979 era contain the corpses of children. In one case, the bodies of a "disappeared" family were found: the parents with their three children aged 3 months to 4 years.

Similar examples are legion, not to mention the better known incidents such as the Sumpul massacre (El Salvador, 1980), the Bangui massacre (Central African Empire, 1979) and the Chatila/Sabra massacre (Lebanon, 1982).

Once again, it has to be stressed that these are deliberate and gratuitous acts that are either totally disproportionate to the needs of the situation or entirely divorced from any offensive or defensive requirements of the conflict or disturbance. In none of the cases were the children armed.

CAPITAL PUNISHMENT

Under international law, the use of capital punishment for children is specifically prohibited: *"Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women."* (Article 6, International Covenant on Civil and Political Rights.)

To the extent that they reflect the real incidence, it is reassuring to note that reports on violations of this fundamental right are relatively infrequent. (N.B. Capital punishment is not a synonym of execution; the former implies a sentencing procedure; the latter is simply an act which includes capital punishment but also extra-judicial killings, reports on which are unhappily far more common.)

At the same time, when such sentences of death are pronounced and carried, this is apparently done with impunity. Instances recorded in recent years have concerned more particularly Iran where, between June 1981 and April 1982, at least 42 children and young people were allegedly sentenced to death and executed or tortured to death. Similar information has continued to be announced since then: three girls aged respectively 14, 15 and 16 were allegedly sentenced to death and executed at Shiraz in mid-1983, after one and a half year in prison, accused of sympathies with the opposition. On 20 September 1983, Amnesty International announced that the youngest children on whom death sentences had been carried out in Iran were aged just 11—a girl in Isfahan and a boy, executed with his 18 year old brother in Fasa, near Shiraz.

The situation seems similar as concerns the equally prohibited practice of sentencing pregnant women to death: twelve such executions allegedly took place in Iran between June 1981 and April 1982. The prohibition ends, of course, once a woman has given birth. In a recent case which received some publicity, a Sri Lankan woman was condemned to death in Abu Dhabi for adultery, but since she was pregnant, the execution was postponed until after her baby was born. No doubt due, in part at least, to international pressure, the sentence was commuted to a year's imprisonment and subsequent deportation (DCI has not, however, received the assurances it requested regarding the care of the baby while the mother is serving her prison sentence). ■

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VICTIMS

INVOLUNTARY AND FORCED DISAPPEARANCE

Since the mid 70s, there has been growing awareness and concern about the "disappearance" of individuals after arrest by government agents. Some 90,000 people have allegedly "disappeared" in this way in Latin America (a third of these in Argentina alone). Whilst it is true that, in the overwhelming majority of cases, the persons concerned are adults (but whose children, of course, suffer the effects of their disappearance), it is equally clear that children themselves are by no means spared such a fate.

Public attention on the phenomenon of "disappeared children" has been focused more particularly on Argentina from where, as we have noted in previous editions of the *Monitor*, cases dating back to the late Seventies are still being reported today. Some 25 children out of over 170 have now been located, usually having been adopted. Among the most recently found is Paula Eva Logares, who was abducted with her Argentinian parents in Montevideo, Uruguay in May 1978 when she was just 23 months old. Her parents are still missing. Paulita has been living with the family of an ex-policeman allegedly implicated in human rights violations. In a move that has set a precedent for several other requests of a similar nature with regard to "disappeared" children, the judge ordered that genetic analyses be carried out to determine whether or not the girl located is really Paula. This has now been proved—the analyses are apparently virtually 100 per cent accurate. The study of the case histories of located children, together with the innovative use of techniques such as genetic analyses in determining proper identification, provide the basis for more systematic responses to "disappearance", if their potential can now be exploited appropriately.

Paula Eva Logares, just before her "disappearance"

The banner displayed by the Grandmothers of Plaza de Mayo in front of Government House, Buenos Aires, on 5 August 1984. It reads: *"The return of the disappeared children to their lawful families"*.

There unfortunately seems no doubt that such experience will be required in the future. Since the middle of 1983, for example, teen children aged 12 to 17 have allegedly "disappeared" in the Ayacucho region of Peru after their arrest and detention by the police and armed forces.

"Disappearances" are not confined to Latin America: in Kabul, Afghanistan, over 300 students aged 15 to 17 are reported to have been taken from their school by plainclothes policemen on 23 June 1979. Their parents have not seen them since. Similar cases have been reported from other countries in that area.

Situations analogous to "disappearance" (a term which is now used to describe the politically motivated abduction and secret confinement or disposal of individuals) are those involving *incomunicando* detention: in 1980 in South Africa, for example, three children aged 13 to 15 were detained for three months, following a demonstration, without their family being informed of their whereabouts. For those three months, they had effectively "disappeared" ■

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OF CONFLICT

CHILDREN AS COMBATANTS

In any nation at war, there is strong propaganda and social pressure for young men in particular to enlist in the armed forces. When a minimum age is applied to such enlistment, that propaganda and pressure can nonetheless lead children to lie about their age in order to be accepted. International humanitarian law only prohibits the active participation in combat for children under fifteen. Countries throughout the world recruit sixteen and seventeen-year-olds into their armies with no qualms.

It has been in resistance groups, however, and more particularly in conflicts of an internal nature, that children under fifteen have most frequently been active, either as combatants or as armed or unarmed auxiliaries, messengers, etc. The very nature of such groups makes it virtually impossible to envisage measures to prevent such participation by children. Reports of "child resistants" in Afghanistan, Central America, Lebanon and certain African countries have produced momentary concern but, predictably, no action. There are, moreover, those who argue that similar involvement of children did not and would not cause an outcry in, for example, times of conflict in Europe.

The massive use of children in the armed forces of Iran in its current conflict with Iraq has, on the other hand, seemingly aroused an unprecedented level of world awareness about the participation of young people in armed combat. That it should have done so is, from a children's rights standpoint, positive to the extent that the resulting attention is not limited to that one situation, as though it occurs in complete isolation and is unrelated to other armed conflicts.

The active involvement of children in the Iran-Iraq war is more especially significant and disturbing for the following reasons:

- it appears that propaganda has been directed at school-children as one specific target group;
- this propaganda is designed to encourage enlistment in the governmental armed forces;
- the government has encouraged participation by children below the minimum age prescribed in international humanitarian law;
- the children have been deployed with means and in roles that placed them in a particularly vulnerable position.

Over and above the argument about the fundamental morality of a government's decision to utilise children in this way, the question of the Iranian child soldiers has brought to light—or confirmed—two important problems:

- governments can recruit and send children into battle on a systematic and on-going basis with impunity;
- children under fifteen who are captured in battle are not, in principle, covered by the provisions of international humanitarian law (they are not civilians because they have been engaged in battle, but neither are they, because of their age, recognised as combatants).

Efforts to respond to these problems will be supplemented, as far as many international non-governmental organisations are concerned, by moves to outlaw the recruitment of anyone under the age of eighteen into the armed forces of a government. Such is the content of part of the article that these NGOs—including DCI—are proposing for inclusion in the Draft Convention on the Rights of the Child. ■

CULT IMAGES

- In October 1982, a two year-old boy, Joseph Green, was spanked to death by his parents, who belonged to a religious commune in Western United States. Apparently the boy had hit a playmate and has refused to apologize. His parents then publically spanked him up with a wooden paddle for two hours. Shortly afterwards, he was rushed to hospital where he was pronounced dead. The medical examiner reported that death had been caused by shock, brought on by loss of blood from the buttocks. The parents were subsequently sentenced to one year in prison for involuntary manslaughter (*Charleston Daily Mail*, USA, 14 May 1983).

Religious cults have recently received considerable publicity in North America and Europe. The main issue is brainwashing but there are numerous examples of inhuman or cruel punishment of children, often justified by the parents as articles of faith.

Child abuse or neglect in the cults often take two forms: firstly, excessive physical punishment and, secondly, refusal of medical treatment. The problems are compounded because local social services can rarely gain access to the children before it is too late.

- On 19 April 1983, the *Boston Phoenix* (US) carried a feature on the Northeast Kingdom Community Church in Vermont. The community was said to preach the "spare the rod, spoil the child" philosophy. It was the duty of all church members to beat children for the slightest mistake and to continue the punishment until the child stopped crying. One witness reported that *"Breakfast and (religious) teaching can last for two hours. Meanwhile, the kids weren't allowed to say a word. A baby who is hungry and sleepy in the morning can't be quiet that long..."*
- At the same time, the *Fort Wayne News-Sentinel* (Indiana, USA) investigated 52 recent deaths in a local religious community, "the Faith Assembly". The community recognized prayer as the only solution to health problems and refused to allow its members medical treatment. Out of the 52 deaths, 28 were babies, including one who died from respiratory problems 36 hours after birth. Seven were children who suffered from illnesses and injuries ranging from chicken pox and burns to pneumonia and cancer.

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10 international children's rights monitor

EXPLOI

CHILD LABOUR

As we have said on several occasions, the major concern in the sphere of child labour is the exploitation of children at work rather than the simple fact that children are working.
The instances described below exemplify many of the conditions that characterise exploitative labour:
- **absence or inadequacy of remuneration in money or in kind,**
- **long hours, little or no holidays,**
- **unhealthy working environment,**
- **morally or physically dangerous work,**
- **lack of access to educational and health services,**
- **lack of legal protection, social security, etc.**

The examples are, with one exception, taken from submissions made by the Anti-Slavery Society for the Protection of Human Rights to the 1984 session of the UN Working Group on Slavery and Slavery-like Practices; the other is extracted from a report on investigations being carried out in Kenya by a multi-disciplinary team headed by Dr Philista Onyango of Nairobi University, one of the contributors to the DCI book "Child Labour: a Threat to Health and Development", a second, revised edition of which is in preparation.
They were chosen not only because they describe exploitative side of child labour but also because they deal with situations that may not readily come to mind as phenomena of today. However clandestine the sweatshops may be - the workplaces with which we typically associate child labour - they are by no means as hidden and neglected as the two examples used here: children on plantations and children in domestic work.

Child Labour on Plantations

The concept of slavery, notes the Anti-Slavery Society, is inextricably linked in the popular imagination with the history of plantation agriculture. What is less well-known is that the workforce on many present-day plantations lives and works in conditions which approach in misery anything recorded for the eighteenth and nineteenth centuries.

Within the plantation system, children are useful workers. Plantation agriculture is labour-intensive, but two mechanisms can be used to keep labour costs to management low. Firstly adult wages can be kept below the minimum for basic needs. This means that households are obliged to send children to work to ensure family survival, and children are paid even lower wages than adults for the same tasks (in some of which they are known to be more productive). The second mechanism is to employ whole families on a contract, or individuals on a piece rate from which they can only obtain a living wage by using the labour of other family members. Either way is cheaper than a regular time-rate wage. Meanwhile the children of plantation families are not only prevented from attending or benefitting from the (as a rule) substandard schools provided by the plantation management, but also trained in the tasks of the plantation as a disciplined and quiescent workforce.

Recent reports received or commissioned by the Anti-Slavery Society show remarkable similarities in child work on plantations producing different crops and in different countries.

India

Although the 1951 Plantations Labour Act sets the minimum age at 12, it is common to find boys and girls of 10 years old working on the tea plantations of Assam in family groups. The number of children working in this way has tripled over the past two decades and now stands at more than 40,000. They can pluck tea better than adults and work a 40 hour week for half the adult wage. They also work in the factories attached to the plantations. Because they are employed on a casual basis, they lack both security of employment and social security. Growing children are in particular danger from the pesticides and herbicides used in the plantations. Children have been seen actually spraying without protective clothing, using chemicals which are restricted by law in many parts of the world.

Hygiene and sanitation in the poor quality plantation housing are inadequate. Health facilities are substandard. Infant mortality is high (62 per 1,000 in one case) and one fifth of the children are malnourished. Education and training are either inadequate or non-existent.

Brazil

Children work in the sugar-cane plantations of Pernambuco State from the age of 7 years, receiving lower wages than adults for performing almost the same work. Often they are employed alongside their fathers on a piece-rate system, and they form about one sixth of the workforce.

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The work is seasonal, but for up to 2 months at a time the children will leave home at 5 am, start work at 6 am, and not return until dark. In general they are malnourished, receiving only one third of the necessary calorie intake, and there is evidence that this has significantly lowered mental as well as physical development in many cases.

Malaysia

In both rubber and oil palm plantations, children work either in a cash gang or working parents. Their labour is necessary because of the low wages paid to adults. In a survey of six plantations, it was found that about 8 of every 10 households had at least one child working. On the oil palm plantations children begin working at the age of 6, and on rubber plantations around the age of 10. They work 7-8 hours a day, beginning at 5.30 am and, as in Assam, they are subject to the dangerous effects of pesticides and herbicides.

Nearly half these children fail to attend school, because these are either not provided, or are inadequate, or because they do not have the time or energy after the working day. Their houses are infested with rats, cockroaches, mosquitoes and other pests. They are exposed to infectious diseases and usually have no access to clean water.

Sri Lanka

From the age of 5, children are employed on tea plantations. Once they are 12 years old they are employed on a casual basis, or through 'family contract systems, in other tasks, particularly weeding. Although Sri Lankan legislation sets the minimum age for employment at 14, 60 per cent of the children in our research had been in employment before this age. Some do attend estate schools but tend to drop out after a year or so. Estates have lower levels of literacy compared with the rest of Sri Lanka, the schools are poorly equipped and use untrained teachers. The inadequacy of housing and health facilities is reflected in mortality rates which are double that of Sri Lanka as a whole. Eighty-five per cent of these children suffer from malnutrition.

Among the recommendations of the Anti-Slavery Society is that governments be invited to take consideration of the Report of the 7th session of the ILO Committee on Work on Plantations, written 14 years ago:

"All these social services have to be provided to the community as a whole and not just to one category of workers. The entire question as to who should provide these services—the national government, the local community or the plantations—how they should be financed and how they should be administered, clearly needs to be considered again in some depth."

The ILO Report in 1982 stated that there had been little improvement in this respect.

One of the children known as "Gregorio" in the City of Mexico. The number of these young live-workers is increasing every day. They work on street crossings, while the traffic lights are in red, in the bigger cities of the country at peak hours. The money these children take home constitutes an important share of the family income. The hazards involved in the "job" accounts for the relatively high earnings, which sometimes exceed two or even three times the minimum salary established by the labour law. However, the risk of severe burns in the throat, mouth and vocal cords is very high.

Photo and text: Amnesty Briseño de la Hoz

Child Domestic Workers

The Final Report (1981) on the exploitation of child labour by Abdelwahab Bouthiba, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, highlighted as the most widespread and least researched class of child workers: "Maids-of-all-work in situations of virtual bondage" and pointed out that although girls may be put out to domestic employment, or even sold as maids, some of the worst forms of bondage arise from the misuse of apparently reputable foster family relationships, such as adoption and fostering, which serve as a cover for all kinds of malpractices.

Over the past decade, the Anti-Slavery Society has published reports on the child labour situation in a number of countries, many of which include accounts of child domestic workers. Among these, the combination of paternalism and

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EXPLOITATION

racism which lead to the virtual slavery of young maids in South Africa, pointed to the utter helplessness of these children:

"Most child domestic workers do not go to school, their living conditions are often inadequate and they receive a pittance as wages. They are separated from their families at an early age and suffer from exploitation which, because it occurs in private homes, is difficult to reveal and remedy."

This is a situation that can be found worldwide. Because this work is not apparently productive, it attracts little attention. Yet it has been estimated that household services by housewives and domestic servants can be valued at 40 per cent or more of the measured Gross National Product in developing countries. Wages are kept low, by keeping the cost of reproduction of the labour force at a minimum for the industrial employer. In many cases this is achieved by institutionalising the use of the cheap household labour of little girls. The entire exploitation system functions by idealising authoritarian patriarchal family structures, which emphasise hierarchies based on age and sex.

Brazil

In some areas of Brazil nearly one third of the domestic workers are minors, reports the Anti-Slavery Society. These workers are marginals. They have no legal protection, are paid low salaries and carry the stigma of social prejudice.

Thirteen- to fourteen-year old girls are often responsible for the day-to-day running of homes which are not their own. As early as the age of 3 or 4, children may be farmed out to other households, their relationship to its members almost always modelled on fictive kinship and represented as hospitality, adoption or godparenthood. In some cases there is a kin link, but this is usually distant and the child will not be treated as a family member, despite perhaps being addressed by a kin term, such as "cousin".

The children are usually unpaid, because they have to "learn" domestic tasks. But in some cases they work to pay off the debt of a biological parent. The enduring tie is not between the child and its "adoptive" parent or "godparent", but between the two families, a relationship which entails assumed obligations or debts on both sides. The fact that children's work is conceptualised in terms of kinship ideology, as a moral obligation incumbent on family members, makes the children vulnerable to a particularly insidious exploitation tantamount to their being "super-exploited" - unpaid, overworked and unprotected by either real or fictive parents.

Dominican Republic

Although some maids work by the day in the employing household, the predominant type of domestic servant is the type known as *"puerta cerrada"* - a term meaning literally "closed door" and particularly poignant in these cases. The isolation of these young girls from the family with which they live, and the society of which they are part, is almost total. More often than not, they have to sleep where they can in the yard of the kitchen, without the company of other servants because usually only one maid of all work is kept. They eat different food to the family at different hours and work up to 72 hours a week. But their labour cannot be computed in hours, the most important factor is their almost total submission and the fact that they must be available at almost all times. Thus they have few possibilities of meeting or combining with others in the same situation. Over two thirds of the female domestics in Santa Dominga are migrants from the rural areas; their isolation and powerlessness are exacerbated by their lack of knowledge of the city and the fact that they have few local contacts.

Peru

About 12 per cent of domestic servants are aged 7 to 14 and over a third are in the 15 to 19 age range. Nearly 90 per cent of all domestic servants are migrants from the country-side to Lima and other large towns. A great many arrive in the city as young children under "adoption" or "godparenthood" arrangements, in which their rural parents entrust them to a third party, believing that they will find work and education in the city. Once arrived they receive little pay, are often ill-treated or overworked. They are frequently too exhausted to concentrate at school, even if they are allowed to attend, and the only time they may be able to find to do homework may be in the early hours of the morning, which (with a 5 or 6 am start to the working day) makes study virtually impossible. Working long hours and with almost no free time, they are unable to make contact even with other servants in other families. Moreover their situation as fictive family members has ironic consequences. The employing family may rationalise virtual imprisonment in the house as caring for the girl's morals, but traditionally they are sexually available to the sons of the family. If they become pregnant, however, they will be turned out, and many such girls are later forced to prostitute themselves to care for their illegitimate children. If they run away, the employing "parents", as "guardians", are able to take legal steps to have them returned to "family" care and control.

Domestic workers have few rights guaranteed by law, which guarantees 8 hours rest at night (i.e. a 16 hour day) and only 15 days of holiday a year (where other workers have a month) with 3 public holidays. Wages are arbitrary, there is no legal minimum, and there is no security of employment. Not surprisingly, adult women try to find better work, and because Peruvian middle class women do not want to lose status by performing domestic tasks, the need to acquire maids is leading to an increasing tendency to seek "adoptive daughters", "distant cousins" or "god-daughters" from rural areas. As family members, these girls are unprotected by the children's legal code or by labour law.

As the overwhelming majority of domestic workers of

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whatever age are female, the Anti-Slavery Society has recommended that this should be regarded as one of the priorities in the final year of the Decade of Women, and in particular that the Secretary General of the World Conference to Review and Appraise the UN Decade of Women be invited to ensure that this issue receives attention.

Kenya

The findings of research carried out on domestic labour by Dr Onyango and her team confirmed what other studies have observed. For example, most of these workers fall within the age range of 7-15 years.

These children started working because of poverty and family instability. Many children reported dropping out of school and opting for work because of financial problems. There were children who had to leave their homes because of broken marriages and single parenthood. Hence, all the children had to work because of the inescapable need to support themselves or their families. The majority of these children had received little or no education.

The working hours of these children were in most cases very long. The majority of the children started work at 5 am or 6 am and finished at 9 or 10 pm, with an average working day of about 15 hours. Usually these children have a large number of duties in the morning and evening with a somewhat freer time in the middle of the day.

Two estates were studied. Eighty-eight per cent of the working children in the low-income estate, compared to 78 per cent of the working children in the middle-income estate, were both "*toyar*" (child nurse-baby-sitter) and cooks. The rest of the children were either "*toyar*" or cooks. Salaries for these children ranged from 30-300 Shillings (US$ 2-30) per month. The working children in the middle-income estate (50 children) sent 72 per cent of their income to their parents while none of the children working in the

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EXPLOITATION

low-income estate (50 children) sent money home. Few children working in the low-income estate received salaries (8 per cent). They were usually given food, clothing and accomodation and expected to be happy with these.

All the children were working for employers with whom they reported having some blood relations: distant uncles, cousins, aunts, etc. In most cases, the children's parents had been approached by these relatives with a view to obtaining their children's help. Most of the relatives promised the parents that they would provide some education to their children in Nairobi, but this rarely materialised. A few children were brought into employment through family friends who sympathized with the family's conditions and decided to take on the children. Even these friends were said by the children to be relatives. It was only after in depth interviews that it was learnt that there was no such relationship at all.

Although the medical aspect of this study is still being analysed to determine differences between the working and non-working children in terms of weight, height, arm circumference and general physical condition, it is already clear that children working in low-income estate are disadvantaged. The majority of these children looked thin and stunted, and even weighed much less compared to non-working children of similar age in the same estate.

This study is still going on and the findings reported here are based on only 121 cases. Generalizations must of course be avoided at this stage, but one can still make the following observations:

- In most cases the salaries promised are not paid and some of the children had to be content with accomodation and food only. These children work long hours with no compensation whatsoever.
- The children appeared younger than their ages. Some of these children are physically abused by their employers, especially when the latter find that they cannot perform their duties well.
- Most of the children are very unhappy with their work and the working conditions, and work simply because they are forced to do so. Most are found to be anxious and depressed. This is illustrated by frequent headaches, fatigue, sleep problems, and a general feeling of unhappiness reported by these children.
- The children working in the low-income estate are most disadvantaged. Because of the general economic and social problems of such an estate, the children employed there may actually suffer more because of the prevailing conditions rather than anything else.
- The exploitation has led some of these children to committ delinquent acts such as stealing and running away from homes where they are employed, as court records show. It has also exposed these children to a negative attitude towards life: all reported dislike for their employers. In fact, quite a number of the working children now abuse the babies and the children they are supposed to take care of, according to frequent reports in the local newspapers.

In conclusion, no positive social and economic functions of child labour are evident in these findings. ■

(P.O.)

SEXUAL EXPLOITATION

This section consists of extracts from a statement by the Anti-Slavery Society to the Summer 1984 meeting of the Working Group on Slavery, which operates within the framework of the UN Commission on Human Rights.

1981 saw the publication of Abdelwahab Boudhiba's report on child labour to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which singled out child prostitution as one of the "most sickening" forms of economic exploitation of children. In response to this, Radda Barnen, the Anti-Slavery Society and Defence for Children International, decided to conduct a study into the sexual exploitation of children which concentrated on child prostitution, child pornography, sex tourism, and the sale of children for sexual purposes.

Sexual exploitation goes hand in hand with other forms of exploitation, and cannot be divorced from the economic exploitation of children in general, or the exploitation of female sexuality. It is therefore important to remember that the sexual exploitation of children is a double or even triple abuse, involving the misuse of economic power, age relations, and sexual oppression.

There is no doubt that children are being sexually exploited outside their families on a large scale. The most conservative estimates are that these practices today involve hundreds of thousands of children and there are indications that the numbers are much higher and not only increasing but also involving younger children, even as low as five years of age, as well as increasing numbers of boys. One popular misconception is that only children of the developing world are involved, but the phenomenon occurs worldwide, and it cannot be asserted that the problem is greater in one continent than another. In the United States alone it has been estimated that more than 300,000 boys are sexually exploited outside their families, and the total of both sexes is likely to be more than twice as high. The practice is known to be widespread among Latin American street children, and our research so far shows that a high proportion of these children are indeed involved in prostitution. Many of the most publicised child sex stories are associated with South East Asia, and it is estimated that there are 30,000 prostitutes under the age of 16 in Bangkok alone.

The environmental conditions involved vary widely from girls with numbers on their chests locked up in their brothels, to drug addicted teenagers controlled by pimps in New York, to schoolgirls in Amazonian 'boom' towns and some capitals in Africa, who use their leisure time to make extra money. Although some prostitution is voluntary, many children are sold directly or indirectly into prostitution, and there are recorded cases of children kidnapped and imprisoned in brothels. Girls from remote rural areas are exchanged for an advance made to their unwitting parents by a bogus urban 'employment agency'. Children from Nepal have been kidnapped for use in Bombay brothels, and

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concerned social workers informed the Anti-Slavery Society researcher that most of the thousands of female minors who disappear from their homes in Hong Kong end up as prostitutes.

A further type of traffic in children involves the sale of a child's body for pornographic photographs and films. The Netherlands is the only Western European country where the sale of child pornography is not prohibited, but it is possible to buy the products easily in many other Western and non-Western countries, by means of one or another form of illegal distribution.

The effects of sexual exploitation on minors of both sexes are manifold. The generally harmful results for educational and intellectual development which result from this form of enforced economic activity can be compared with many of the worst forms of child labour. But the mental and physical damage is in most cases far greater. Research in the United States has shown that psychological damage inflicted through early sexual experience is related to autism and psychoses, and may even result in eventual suicide. Physically, the effects of an adult having sex with an immature person can be devastating. Sexually transmitted diseases are widespread among child prostitutes, and medical reports record cases of rectal fissures, lesions, poor sphincter control, lacerated vaginas, foreign bodies in the anus or vagina, perforated anal and vaginal walls, death by asphyxation, chronic choking from gonorrheal tonsilitis, ruptured uteruses, bodily mutilation, and death in childbirth. There is also overwhelming evidence that links child prostitution to drug abuse among children, particularly the use of marijuana, cocaine and solvents.

Perhaps one of the most disturbing factors in the sexual exploitation of children is its association with tourism which is blamed on increased international travel over the past forty years. Whatever the reasons, it appears that there is a market for child prostitution and child pornography, and thus attempts to eradicate these forms of exploitation will fail unless changes in attitudes to sex can be effected which will no longer make it possible for large economic gains to be made in these illegal activities.

The distinctive features of the sexual exploitation of children can be seen in the following three examples, drawn from our on-going research.

Thailand

Although prostitution is illegal in this country, it is estimated by Thai sources that there are over a million prostitutes. Of these the overwhelming majority are young women. Of those under 18, 35 per cent are 17 years old, 55 per cent are aged between 15 and 16, and about 10 per cent are 13-14 years of age, although some are even younger. Most are the daughters of smallholders or labourers in depressed and remote rural areas, lured to the cities by unscrupulous recruiters, who claim to be from an employment agency, and offer advances on wages to the parents. Once in the city, the girls are subject to tight controls amounting to virtual imprisonment, physical abuse, long working hours, and well below subsistence wages.

Although there are legal sanctions against this type of traffic and trade, the fines are ridiculously low: 3,000 Baht (US$ 16) for a recruiter and 4,000 Baht ($ 22) for a brothel owner or operator. But very few prosecutions are made, and bribery and protection are alleged to be commonplace.

Philippines

Tourism has long been a major source of foreign exchange in this country, and at one time it had a reputation as a 'sex market', particularly for Japanese male tourists. The pattern of rural girls (and boys) being lured to the city is similar to the debt slavery system operated in Thailand, but the problem has not been so obvious since an agreement about sex tour advertisement was made with the Japanese government. Prostitution continues to be illegal, but it also continues to exist, under cover of sauna baths and health clubs. Child prostitutes can be found hanging around the tourist areas of Manilla, and there are recent records of the police arresting male and female child prostitutes from premises catering for specific tourist needs.

Peru

Not all child prostitution is connected to tourism, although the existence of a large population of foreign or non-local single males is associated with a market in sexuality. The history of the exploitation of Peruvian Amazonian resources of wood, rubber and oil has been paralleled by the history of prostitution in the same area. Short term migrant workers live in camps or enclaves and companies supply prostitutes for their sexual needs. It has been reported that the demand for very young girls (12-16 years) is very high in Iquitos and that virgins are offered as gambling prizes.

Peruvian legislation provides licenses for state-regulated houses of prostitution, as well as for the prostitutes themselves. Only women over the age of 21 years can hold licenses to conduct houses of prostitution, and people under 21 are forbidden either to enter or to work in them. Nevertheless abuses do occur and clandestine brothels are widespread, often controlled by mafia-like organisations. Research has revealed that about one third of both legal and illegal prostitutes enter this trade under the age of 20. They are usually girls from very impoverished homes, often rural migrants and overwhelmingly of racially mixed or Indian origin.

Prostitution of the most sordid kind takes place in connection with the population of long-distance lorry drivers who stay overnight in Lima after delivering their loads to the wholesale market known as La Parada. This area attracts many of the thousands of Lima's street children, partly because of the easy availability of food to steal. Some children prostitute themselves on a casual basis, but others are controlled by older males. Boys and girls as young as 8 are forced to prostitute themselves in a street trade which is practised openly. ■

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REMOVAL ACR

It is almost a truism to say that inter country questions in the humanitarian and human rights spheres are particularly difficult to resolve. They require active cooperation between governments whose ideologies may differ widely. In many cases they require some forms of consensus, or at least reconciliation, despite the apparent incompatibility of each country's cultural, religious and legal systems. They require sure and rapid communications. And they invariably require considerable resources. To fulfil just one of these requirements is not infrequently an insurmountable task. To fulfil them all borders on the Utopic.

It is therefore all the more disturbing for DCI to take stock of the wide range of inter country situations involving children in which their rights are at best ignored, at worst severely and deliberately violated.

Inter country adoption

In Vol. 1 No. 1 of the *Monitor*, considerable space was devoted to the question of inter country adoption, with special emphasis, re stated frequently since then, on the ease with which such adoption schemes can be abused. The issue of inter country adoption itself divides the child welfare lobby as to whether or not it conforms to the interests of children: on the one hand are those who feel that it would be immoral to deprive an "abandoned" child of a new family; on the other are those who see international adoption as a conscience salving operation that does nothing to resolve the real problems of countries in the "South" who just happen to be "exporters" of their children. International Social Service, with sixty years of experience in this field, looks on inter country adoption as "one solution" after all others, which would enable the child to stay in his natural environment, have been shown to be unworkable. An indication of the degree of indecision that the principle of inter country adoption provokes is the disarray of governments confronted with having to define a policy on the issue. Some, like Ecuador, Colombia and Indonesia, have enacted legislation that strictly defines the conditions under which children can be adopted by non-resident couples. Others have decided that restrictive policies simply drive international adoption underground, and have adopted a more *laisser-faire* attitude. Yet others, like Korea, have alternated between the two. And finally, there are those countries of the Moslem faith which, with certain rare exceptions, are unconcerned by the debate, since adoption is not a concept recognised under Islamic Law. Having monitored--and reacted to--the problem over the past five years, DCI is convinced that, if inter country adoption is to be seen as beneficial to the child, it must be regulated in the strictest possible way, within the context of enforceable and enforced regulations on all inter country movement of unaccompanied children, under whatever guise and for whatever professed purpose. The United Nations General Assembly has repeatedly put off debate on this issue for years. By doing so, it is implicitly ignoring the fact that the practice, under present conditions, can too easily be made to serve as a convenient cover for the sale and trafficking of children.

Sale and trafficking

As reflected in news items in the *Monitor*, the provision of children under cover of adoption is indeed only one of the forms of sale and trafficking of children. It would be pointless to attempt to give figures on the number of children traded each year; the occasional glimpse that one can obtain of the problem simply demonstrates that it exists, and its clandestine nature leads one to surmise that what is known about it is no more than a fraction of the real situation. At the same time, it would be inappropriate and unjustified to claim, on the basis of present knowledge, that there is a "flourishing market" in children. Market, yes. Flourishing, we do not know. In response to an ECOSOC resolution (see *Monitor* Vol. 1 No. 1) asking the UN Centre for Human Rights to undertake a study on the sale of children, DCI, in common with certain other concerned NGOs, reacted positively to the Centre's request for information on the problem. The Centre's report had been scheduled for completion in mid-1984. It appears, however, that the person originally responsible for its production is now no longer at the Centre. Nor, it seems, is the documentation that she collected. The information-gathering process is therefore starting anew towards the end of 1984. The fact remains that the incidence of child trafficking is deemed worthy of a UN investigation, and DCI looks forward to the basis for concerted action on this issue that the publication of the report of the Centre for Human Rights will provide.

"Legal kidnapping"

The largest single category of individual cases on which DCI's action has been requested has involved the inter-country removal of a child by one parent, often termed "legal kidnapping". The elements to be taken into consideration in approaching such cases are many and varied. The most difficult cases--and consequently those with which DCI is most frequently confronted--concern situations in which the ex-spouse (generally the father), an immigrant in the family's normal country of residence and who was not granted custody of the children of the marriage when this broke down, decides to take them to his/her country of origin, thereby effectively cutting them off from normal contact with the other parent. In an attempt both to prevent and to resolve such instances, a European and an international convention have been formulated, with a similar basic principle: international cooperation among governments to ensure the speedy return of the child to the parent with legal custody, subject to the subsequent re-evaluation of the justification of the original custody order being continued. At present, the number of countries that have ratified either convention is insufficient to ensure effective implementation. From a children's rights standpoint, it is therefore virtually impossible, in most cases, to determine the best interests--and, more especially, the wishes--of the children since, after the event, they are frequently in an *incommunicando* situation. The draft of a future article on this problem accepted for inclusion in the

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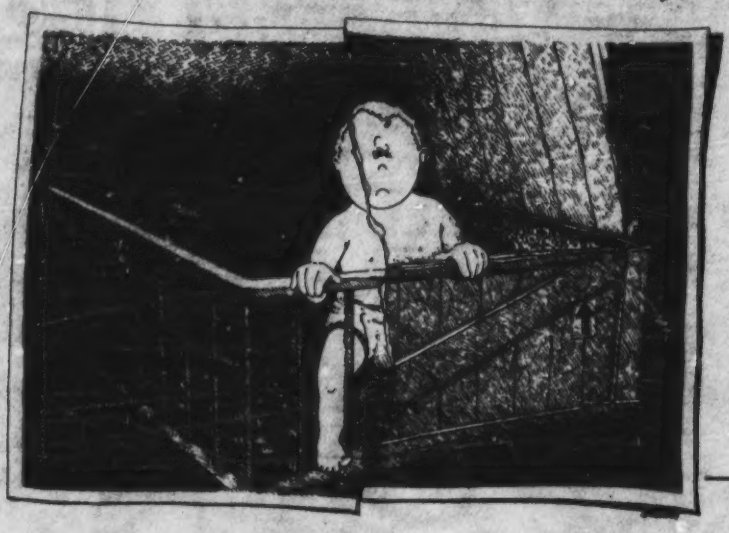
OSS BORDERS

Convention on the Rights of the Child stresses the need for countries to ratify the pertinent international and regional instruments, and to draw up bilateral agreements. France, from where an estimated one thousand children are "kidnapped" in this way annually, has been active in initiating bilateral treaties. The one most recently concluded, however—with Tunisia—provides for the examination of cases pending only on a twice-yearly basis. Yet six months is the absolute maximum period stipulated in the multilateral conventions for the return of the child to the parent with legal custody—not the consideration of his case, but his effective return. For after that period has elapsed, it becomes increasingly difficult to bring about the return of the child without causing renewed upheaval and consequent trauma. Worse is to come. Although it was expected that the vast majority of cases they are supposed to be dealt with would relate to situations in which a Tunisian father takes his children back to his home country from France, one of the first cases to be considered by the joint French-Tunisian Commission concerned a Tunisian father whose ex-wife, a French woman who had been resident in Tunisia, had returned to France following the couple's divorce, taking their child with her although she only had legal custody of the child as long as she remained in Tunisia. The Tunisian ex-husband's application for access to the child was turned down *a priori* by the French authorities. It is reported, it is to be hoped that the beneficial consequences of the France-Tunisian agreement in terms of the rights of the child will not be jeopardised by this early negative decision.

Other major concerns

DCI has identified two other major areas for concern as regards the inter-country displacement of children. The first of these it has posed as a question, following requests for its intervention, stating that no international text, in force or envisaged, covered the problem involved. This problem is that of the forced return of children, particularly girls, to the country of origin of their father when the latter is an immigrant in a country whose culture and morals he considers unsuitable as a background to his child's passage through puberty into adulthood. DCI has been asked to intervene in a limited but significant number of cases of this kind where the children concerned have clearly demonstrated their distress at their father's action. Despite considerable efforts to formulate a viable and constructive policy, the degree to which intervention on a children's rights standpoint can be justified remains vague. On the one hand, the children, brought up in a given social context, complain of being forcibly married, exploited, and/or isolated from family and friends. On the other hand, it appears that the father's motivation for sending his child to his country of origin is positive in terms of his perception of the child's long term interests. DCI is bound to insist on

▷p. 18



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SEPARATION

SEPARATION FROM PARENTS

Virtually all societies consider the family to be the most favourable environment for the full and harmonious development of the child. The importance of the role of the family, as prime and primary provider and protector, and the consequent need to foster its ability to carry out that role appropriately, are emphasised again and again in the texts adopted and proposed for the Draft Convention on the Rights of the Child.

Yet, throughout the world at any one time, several million children are separated, temporarily or permanently, from their parents. In many cases, this separation is both legal and justified in termes of the child's interests. In others, it is legal but is not in keeping with the best interests of the child. In yet others, it is neither legal nor justified.

By justified, we mean essentially that the following criteria at least are fulfilled:

- the child is, or is at clear risk of, suffering severe physical, psychological or moral harm;
- all possible means have been considered and/or tried, on the basis of existing knowledge and resources, to maintain the child with his family without risk;
- the alternative solution, i.e. removal, will clearly provide a more positive environment for the child, taking into account especially the child's reaction to being separated from his/her family.

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the basis of the expressed desires of the child, at the same time it believes that the interests of the child cannot be seen in a vacuum, and is therefore seeking further guidance on this question.

The second of these two (provisionally) final concerns in the sphere of inter-country displacement concerns the allegedly forced participation of children as young as 10, from certain countries in Africa and South East Asia, in **training programmes abroad**, against the wishes of their parents and without their explicit and informed consent. Such occurrences, which involve arbitrary separation from parents as well as inter-country removal, are difficult to verify with a view to intervention on the basis of a universally accepted children's rights standpoint.

It will be apparent from the above as a whole that DCI is particularly concerned about the facts and implications of the inter-country displacement of children, whatever the form this takes. It is one of the potentially most serious violations of the rights of the child, for the transfer of unaccompanied children from one country to another at present frequently makes it impossible to ensure effective defence of their interests ■

Although these may seem reasonable, almost common sense, conditions for separation, they are all too frequently not applied. The International Movement ATD Fourth World, for example, which speaks out for the most deprived, excluded, sectors of the population in each country, has documented (and acted on) innumerable cases of removal effected on the sole grounds of parental poverty – inability to provide adequate material care, or acts perpetrated because of total despair brought on by poverty. Similarly, children removed for justifiable reasons have found themselves in institutions where they have lacked care and attention and been subjected to severe maltreatment. A poignant 1978 report from England estimated that some 6,000 children were "forgotten" in institutions for the mentally ill or handicapped, many of whom had exhibited no symptoms of such illness or handicap when they were taken from their families, but had become handicapped as the years of institutional life had passed.

Even a cursory glance at the multitude of ways in which the rights of the child are violated, described elsewhere in this publication, immediately highlights the fact that many such violations involve situations where parents are unable to carry out their protective role – for a variety of reasons – and where no person, agency or body effectively replaces them. Parents who are too poor, and who are obliged to abandon or sell their child for adoption, or to send their child to work in exploitative situations. Parents who are separated from their children in situations of armed conflict. Parents who are forced to witness or "accept" the torture of their children. Parents unable to prohibit the incarceration of their children with adults. In other words, parents who are denied the opportunity to carry out their responsibilities, and children who are denied their right to benefit from these responsibilities being carried out.

But there are many other situations in which children are deliberately or consciously deprived of parental care:

- **Asylum seekers**. Certain couples who secretly leave their country of origin to seek asylum elsewhere feel it safer to entrust their children to relatives and initiate steps to have their children join them once they reach their new country of residence. The success of such applications for family reunion under such conditions is, however, by no means guaranteed. The authorities of the country of origin may consider the parents' departure as *de facto* abandonment and, depending on the circumstances, order the child to remain wiyh the relatives, to be taken into State care or, as has been known to happen, to be adopted. The authorities of certain countries have demonstrated commendable flexibility in such situations, in other cases, however, it is clear that no possibility of effecting family reunion could exist through official channels.

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● **Migrant workers:** In certain countries, especially those with a relatively high proportion of immigrant labour – including several in Western Europe – permission for a foreigner to work there may involve the stipulation that his/her family remains in the country of origin. When the worker is accompanied – legally or illegally – by the spouse, such a regulation can mean the effective separation of the children from their parents. As a result of pressure on this issue, there are moves towards regulations that take appropriate account of the right of a family to live together, but the problem is still unresolved in too many countries. From a children's rights point of view among others, a problem of particular concern also arises when migrant workers are refused permission to continue working in the "host" country after several years, but have children born in that country whose culture and language, through schooling, may be their first. The choice is brutal – deportation together or separation. A special case is that of experts and diplomats from a limited number of countries who, when working abroad, are not allowed to take their children with them, presumably in order to encourage them to return on completion of their posting contract.

● **Children of prisoners:** Although the simultaneous incarceration of both parents is exceptional, it is by no means unknown, especially in cases of detention without trial or when the charges relate to acts deemed to be contrary to the interests or security of the State, including alleged sympathies with banned organisations. In such cases, over and above urging the release of at least one of the parents on humanitarian grounds, advocacy on behalf of the children is limited in practice to one of two choices: that the child(ren) be with his/their parents (very often the conditions of detention preclude this as a desirable solution); or that alternative arrangements be made that take into account, as far as possible, the best interests of the child, and that the child be allowed to maintain contact with the parents under circumstances that will cause him/her the least possible distress. Clearly this is not enough. ■

CORPORAL PUNISHMENT

Because, legally at least, the use of corporal punishment in schools is limited to a small number of countries (the USA, the UK, Australia and New Zealand are notable examples), and because the global ill-effects of its use are seen as relatively minor compared to the ramifications of other acts carried out against children, this question is not always given the prominence it deserves. Yet, corporal punishment is one of the most significant and glaring examples of discrimination against children: in none of the countries mentioned above, for instance, would it be condoned as a punishment for adults.

In a recent detailed submission to the US Attorney General's Task Force on Family Violence, "Parents and Teachers Against Violence in Education" summed up the arguments against corporal punishment (in addition to the physical sequelae which can be serious and permanent) as follows:

● Corporal punishment tends to aggravate and legitimize violence in family conflict.
● The cultural demand for physical submission by children to adults is an aid to pedophile predators.
● It is counterproductive and totally unnecessary for classroom management.
● Corporal punishment results in psychological injury. Psychologically injured children tend to become problem adults, underproductive, prone to violence and subject to self-destructive tendencies.
● Corporal punishment directed to the buttocks is a significant factor in the emergence of sexually deviant behavior.
● Corporal punishment retards the internalization of social morality. Instead, it tends to produce personalities which are submissive and/or lack a sense of self independent of the commands of authority.
(...)
● Clinical observation has established that the child who has experienced the use of physical punishment will tend to become, as an adult, someone who uses force to solve problems, including family problems.

Tenacious information campaigns and lobbying by groups favouring the abolition of corporal punishment in schools appear to be having their effect. In the four countries mentioned above, there has been a steady growth in the number of education authorities banning the practice over the past few years. Recently, the prestigious American Medical Association announced its total opposition to corporal punishment, and urged immediate abolition. Amazingly, there are nonetheless important child protection bodies that still refuse to state loudly and clearly that corporal punishment in schools is a dangerous and institutionalized form of child abuse.

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CHILDREN IN PRISON

DCI launched a worldwide survey on the question of children incarcerated with adults at the end of 1982. The first stage of this unique investigation is now coming to a close. At the time of writing, DCI has received some twenty national in-depth reports on the phenomenon, together with submissions from a number of governments and information received and compiled over the two-year period.

DCI's decision to embark on this study was instigated by its realisation that the question was undocumented from an international standpoint –and poorly documented at the national level– whereas the organisation was increasingly confronted with information and requests for action concerning:

- children detained in penal facilities with adults,
- children in prison with their detained mother and/or father.

In keeping with its initial commitment, DCI has refrained from issuing statements on the problem during the course of the study. It is clear, however, at this stage that the organisation's belief that the phenomenon is, to some degree, virtually universal, is borne out by the evidence collected.

A seminar bringing together the participating investigators and other experts is scheduled for early December 1984; the global report on the study will be prepared thereafter, and will include:

- an analytical synthesis of the national reports,
- summaries of the individual national reports,
- a compilation of other information received,
- recommendations for practical follow-up by DCI and others.

The results of enquiries carried out within the framework of this study have, in addition, strengthened DCI's belief that the whole sphere of the detention of children and juveniles in closed institutions needs to be investigated urgently with a view to ensuring respect for the rights of the children actually or potentially concerned. ■

A fuller report on this question will be published in the next regular issue of the *Monitor* (first quarter of 1985, Vol. 2 No. 1).

SPECIAL RULES GOVERNING THE DETENTION OF CHILDREN ?

Among international instruments relating to human rights is a non-binding text known as the "Standard Minimum Rules for the Treatment of Prisoners". With regard to the detention of children and young people, it contains just three special provisions:

- for young prisoners, detention facilities separate from those of adults; installations and equipment for physical and recreational training during the period of exercise (this right extended also to "others of suitable age and physique");
- for children detained with their imprisoned mother: a nursery staffed by qualified persons.

At the instigation of Amnesty International (British Section), and with DCI as secretariat, a group of non-governmental organisations is now considering putting forward a text setting out guidelines for the treatment of detained juveniles ("Standard Minimum Rules for the Treatment of Children in Detention") that reflect more appropriately the special requirements of this age-group. Draft rules are being drawn up under the following main headings:

- conditions and means of detention
- interrogation
- discipline
- inspection of facilities.

In the same way as overall human rights have to be supplemented by special provisions relating to children, it is felt that there are several areas in which children should benefit from specific measures when in detention. Initially, the NGO group will be examining the possibility of integrating the substance of their proposals in this regard into the draft of another set of rules, on the "Administration of Juvenile Justice", due to be adopted by the Seventh UN Congress on the Prevention of Crime and Treatment of Offenders in August/September 1985. ■

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EXECUTIVE SUMMARY

COLLABORATIVE SERVICES FOR SEATTLE'S STREET YOUTH

PREPARED FOR:

ORION MULTI-SERVICE CENTER
SEATTLE, WASHINGTON

PREPARED BY:

DONNA D. SCHRAM, Ph.D.
URBAN POLICY RESEARCH
SEATTLE, WASHINGTON

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EXECUTIVE SUMMARY

The Orion Center is located in downtown Seattle and is designed to serve homeless and street youth. A full spectrum of immediate survival and transitional services are provided to these severely alienated young people to assist them in the process of transition from the streets to more stable and healthy lifestyles.

Orion was funded initially by a one-year demonstration grant from the U.S. Department of Health and Human Services. Because of the national significance of the project, it received an additional year of federal support which concluded on September 1, 1985.

This summary report presents the highlights of the evaluation of the Orion Project during the initial 18 months of funding and its first 15 months of full operation. The highlights include a description of the clients served during this period, the types of services needed and wanted by clients, the services actually provided by different project components, the difference between clients who were involved in prostitution and those who were not, and project outcomes.

The Orion Center Project, through its collaboration of youth serving agencies, demonstrated that it was capable of attracting nearly 700 "street youth" to its services. The "typical" demographic profile of the youths that became clients revealed that they were most likely to be 17 year old white males without a fixed residence. Most were experienced street veterans who had spent a year or more on the streets. Clients were almost invariably unemployed and suspended or drop-outs from school.

Clients had experienced a variety of problems and abuses, including high levels of physical and sexual abuse, substance misuse and abuse and emotional distrubances. In addition, many clients also suffered a panoply of physical and mental health problems, including pregnancy, deafness, mild to severe mental retardation, suicidal ideation and clinical depression. Several of these problems and abuses tended to cluster into a typology of clients. For example, runaway clients were likely to have been sexually abused, while clients with juvenile offense histories were likely to abuse substances. Similarly, these latter clients were also likely to be involved in prostitution.

The most frequently identified client needs and wants were similar -- counseling, employment, education, food and health care. The services assessed to be needed the least frequently (dental services and foster care) were also the least wanted by the clients and the least likely to be provided within the project.

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More than 20,000 documented services were provided to 276 clients and 383 additional non-client street youth. The majority of these services, nearly 17,000, were provided through clinical component, primarily in the form of individual counseling, drop-in, meals, shelter and health care. The educational component provided nearly 3,000 units of service to 196 youths (142 clients and an additional 54 non-clients). The vast majority of the educational services were concentrated on basic skills development and G.E.D. preparation, although many youth also received individual educational counseling. The last component, employment, provided nearly 700 services to 90 youths (57 clients and 33 non-clients). Virtually all employment services were concentrated in the area of on-the-job training.

More than one-half of the Orion Center clients were involved in prostitution at the time of entrance into the project or had been involved in the past. The average length of prostitution involvement exceeded nine months prior to project entry. Prostitution-involved clients were differentiated from non-involved clients on the basis of sex, time on streets at intake, total time on streets, educational status and employment status. Clients involved in prostitution were more likely than non-involved clients to be female, on the streets for much longer periods of time, unemployed, and suspendees or drop-outs from school.

Somewhat surprisingly, the prostitution-involved clients demonstrated abuse histories and clinical characteristics very similar to those in the non-involved client group. With the exception of a greater likelihood of current substance abuse and prior juvenile offense records, no differences were found between groups with regard to sexually abusive or physically abusive backgrounds, emotional disturbance, or runaway status at project intake.

The pattern of service use between prostitution-involved and non-involved clients was examined. With few exceptions, almost no differences were observed between groups in the types or frequency of service use in any of the project components. In this respect, the groups were almost indistinguishable.

During the period encompassed by the evaluation, 107 clients terminated their involvement in the Orion Center project. Approximately one-half of these clients (49.5 percent) received "positive" terminations and represented clear successes from the perspective of project outcome measures. These clients met the triple requirements for success, that is, they were "off the streets", free from prostitution involvement, and resided in a stable living situation. At the other extreme, approximately 27

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percent of the cases were closed as "negative" terminations, primarily because youths in this category were institutionalized, maintained their street or prostitution involvement, or refused further services. The remainder of the closed cases were given "neutral" terminations. Clients in this latter group frequently disappeared from the streets or moved to other locations, but were not believed to be involved in prostitution. At least three clients entered in-patient psychiatric or substance abuse programs and did not return to the streets at discharge. Finally, and sadly, two clients died -- one the victim of homicide and the other a suicide.

Fifty-one of the 107 terminated clients had been prostitution involved at project entrance for an average period of eight months each. Only four of these youth were known to be involved at termination, regardless of type of termination. Thus, prostitution involvement was eliminated in 46 clients, a reduction of nearly one-half of the total population of clients known to be prostitution-involved at project intake.

Successful transition from the streets and prostitution involvement was a slow and difficult process for many Orion Center clients. Youths with positive terminations required an average of 5 months between project entrance and case closure. During that time, these clients used an average of 64 services provided by the project -- primarily in the form of individual counseling, shelter, meals, health care, basic educational skill development, G.E.D. preparation and on-the-job training.

Finally, the most important variable that distinguished successful clients from youth terminated for negative or neutral reasons was length of time on the streets prior to project entrance. The longer the period of street involvement and identification, the more difficult the transition to healthy and stable lifestyles.

In conclusion, the Orion Center demonstrated that street youth will use and benefit from services designed to meet their needs and to develop the skills necessary to cope successfully with their lives "off the streets" and free from prostitution involvement.

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ORGANIZED CRIME'S INVOLVEMENT IN THE PORNOGRAPHY INDUSTRY

REPORT PREPARED BY:

INVESTIGATIVE SERVICES DIVISION
METROPOLITAN POLICE DEPARTMENT
WASHINGTON, D.C.
November, 1978

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V. CONCLUSION

The pornography industry is characterized by a vertical distribution and a pyramid structure with a limited number of documented distributors within individual states. Documentation has been obtained to establish that pornographic material is initially supplied to national distributors who then sell to inter-state distributors who, in turn, distribute to intra-state distributors.

This limited number of pornography distributors may indicate the lucrative profits in the distributorship and production of pornographic material with the capability of dictating prices to independant bookstore owners. As an example of the high profits involved, the following is provided. A magazine can be produced for approximately fifty cents; wholesaled for five dollars and retailed for ten dollars. This computes to a 1900 per cent profit from production to consumer sale. In general, there is no competition or price wars which indicates price control. If a pornography distributor has control of a distribution network, owned companies that provided peep show projectors, built peep show booths for bookstores, collected the coins from peep show machines from bookstores owned by "straws" on corporate papers and was able to purchase projectors, films, books, etc., wholesale, the profit would even be greater. This profit making mechanism is currently in existence. An example is Bon Jay Sale's organizational profile which consists of a peep show coin collector business (Alpha Sentura Business Services), a carpentry business to build peep show booths (Woodwork, Inc.), a business to repair peep show projectors (Central Vending Co.) and controls serveral bookstores in Maryland, Washington, D.C. and North Carolina.

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Additionally, there are an unrelated number of individuals involved in the sale of pornographic material that are dependant upon inter-state distributors for supplies.

This investigation revealed various methods used by pornography entrepreneurs to successfully operate their business and avoid detection by law enforcement. Some of these methods are:

1. Names of corporate officers are used without the individuals knowledge or consent.
2. Notary Publics are employed to notarize signatures without confrontation of signees.
3. Rubber stamps of signatures are used without the authorizing individual's knowledge.
4. Periodic changing of corporate names.
5. Controllers do not appear on corporate papers but are major stock holders.
6. Pornography entrepreneurs appear as corporate officers for a legitimate business which may have pornography distributors as subsidiaries.
7. Companies owned or controlled by major distributors deliver pornographic materials automatically to their subsidiaries.

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VI. RECOMMENDATIONS

A. Another conference be held for the purpose of exchanging updated material thereby keeping the joint investigation ongoing and current.

B. Criminal financial discrepancies be brought to the immediate attention of the Internal Revenue Service. (Documentation of false invoice payments, skimming, hidden ownership, money laundering operations and bankruptcy frauds.)

C. The U.S. Justice Department be provided with all documentation indicative of violations of monopoly or anti-trust laws.

D. A request be made to Congress and state legislators for assistance in exposing organized crime involvement in this industry.

E. Members of this joint investigation bring the results of this investigation to the attention of their local prosecutors and request their assistance in local law enforcement effort in obscenity areas. Members should seek cooperation also from local agencies charged with the task of licensing and incorporating pornography outlets to insure applicants comply with the law.

F. Assistance be provided to the Federal Bureau of Investigation in matters involving interstate violations and organized crime involvement.

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ORGANIZED CRIME IN CALIFORNIA 1982-83

Annual Report to the California Legislature

JOHN K. VAN DE KAMP, Attorney General

BUREAU OF ORGANIZED CRIME AND CRIMINAL INTELLIGENCE
4949 BROADWAY
SACRAMENTO, CA. 95820

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ORGANIZED CRIME AND PORNOGRAPHY

East Coast organized crime families currently own and control key national distribution companies and therefore regulate much of the availability of pornographic material for sale in California. By dictating the terms of product distribution, organized crime figures ultimately control many California pornography businesses. With this control and the millions of dollars in profits derived, organized crime is able to further its illegal activities by investing in narcotics trafficking, loansharking, and infiltrating legitimate businesses.

During the 1970s, organized crime engaged in extortion and violence in an effort to gain control over the independent pornographers in California. Now, firmly established in national distribution and involved in almost all aspects of pornography, organized crime exerts strong control over California pornographers. These crime families appear to have recognized the economic benefits of this business and now give greater attention to their pornography interests.

Previously, the Bonanno, Colombo, Gambino, and DeCavalcante organized crime families of the East Coast were active in pornography in California. The Bonanno and Colombo families have lessened their involvement in pornography due to continued deterioration of their organizational structure and strength. The DeCavalcante and Gambino families appear to have consolidated their pornography interests and now dominate the industry throughout the nation.

A key figure who seems to represent the latter two organizations in pornography is Robert DeBernardo, a top member of the DeCavalcante Crime Family of Northern New Jersey. He is the operator of the largest East Coast pornography distribution company, Star Distributor of New York.

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DeBernardo is a close associate of Ettore Zappi, underboss of the Gambino Crime Family. In 1973 grand jury testimony alleged that Zappi received large amounts of cash from California pornography operators.

Much of the influence of these two crime figures is believed to be exerted on California pornographers through Reuben Sturman of Cleveland, Ohio. Sturman is one of the largest pornography distributors in the nation and maintains a financial interest in numerous pornography businesses in California and throughout the world. Many California pornographers depend on Sturman's vast distribution network and are therefore subject to his influence.

The arrival of home video cassette recorders on the market in 1979 was accompanied by a growing demand for adult videotapes. California pornographers, many linked to organized crime, quickly entered this market by forming companies involved in the manufacturing, production, duplication, distribution, and sale of adult videotapes. The annual gross of the adult videotape industry in the Los Angeles area alone was estimated by Southern California law enforcement authorities to be well over $200 million in 1982 and to have exceeded that figure in 1983.

Trends and Projections

Organized crime continues to dominate California pornography operations and is extending its involvement in all aspects of the industry including the growing adult videotape market. Pornographers with firm links to organized crime have also entered the cable and subscription television industry and, by early 1984, had become major suppliers of pornographic material to that industry.

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Report to the Governor of Ohio

Organized Crime

PREPARED BY:
The Law Enforcement Consulting Committee
1982

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formation of the Cleveland Chapter of the HELLS ANGELS until 1971 when they battled with another gang which was prominent in the Cleveland area at that time, the BREED. The resultant milieu left five bikers dead and twenty-one persons wounded (including three police officers). From this battle, thirty-one BREED and fourteen HELLS ANGELS were indicted and convicted of various crimes.

From this struggle for power developed the strongest "outlaw" club in the Cleveland area. The prestige and notoriety has enabled them to control biker activity in the greater Cleveland area to date. No other "outlaw" motorcycle gang can exist in the greater Cleveland area without the consent and approval of the HELLS ANGELS.

In February of 1979, members of the MISFITS Motorcycle Club broke from their group, and under the guidance and direction of JAMES P. CARONITE, the Akron Chapter of the HELLS ANGELS was formed. This Chapter is the first indication of a move by the HELLS ANGELS to expand throughout Ohio.

Members of the HELLS ANGELS from Cleveland have been very influential in the national organization. Cleveland members have held national positions and have had influence in determining national policy.

Current law enforcement investigations have resulted in the seizure of automatic weapons and explosives and also in the indictment of six members of the Cleveland Chapter of the HELLS ANGELS. These members have been charged with murder in connection with six separate crimes including one bombing which resulted in three persons killed and two wounded. Investigations in the Akron area have resulted in felony indictments against four Chapter members for assorted weapons and theft violations. These investigations have also revealed the close association with members of the HELLS ANGELS and members of organized crime.

PORNOGRAPHY

The nation's growing pornography industry is dominated by East Coast organized crime Families. The pornography business is attractive to

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these Families because of high profits and few legal risks. This lucrative business is a major source of income for organized crime throughout the United States. The industry offers an extremely high return on monies invested with the money flow being primarily in the form of cash which allows "skimming" of profits to avoid taxation. The volume of "cash" money handled also allows for a perfect system for the laundering of funds obtained from other illegal activities. The only other organized crime business ventures that provide the same type of "laundry" services is the vending industry. Both vending and pornography have such a large volume of actual cash flow that it is very difficult to trace the monies and therefore the investors can launder illegal monies into this cash flow without detection.

Successful prosecutions of persons involved in pornography are difficult since many States and local obscenity laws are vague and inadequate. Most pornographers have access to the best attorneys, who are skillful and can advise the operators how to stay within the legal limits of the obscenity laws. Court challenges of the enforcement of obscenity laws have been lengthy, costly and usually unsuccessful.

REUBEN STURMAN operates the nation's and possibly the world's largest pornography distribution network. STURMAN'S headquarters is located at SOVEREIGN NEWS in Cleveland. This empire is estimated to include fifty distribution companies and over seven hundred retail outlets throughout the United States, Canada and at least forty foreign countries. STURMAN seldom appears on corporate records in an effort to conceal the extent of his vast holdings. This is also to confuse law enforcement officials trying to identify his complex organizational structure.

All of the pornography in the greater Cleveland area is controlled either directly or indirectly by SOVEREIGN NEWS.

Although REUBEN STURMAN does not appear to have actual membership in any organized crime Family, he does maintain close contact with members of the DECAVALCANTE FAMILY of New Jersey and the GAMBINO FAMILY of New York. It is believed that organized crime controls and supports the pornography

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industry, due to the fact that the industry is able to expand nationwide without interference from any local organized crime Family. This includes the Cleveland area.

In an organized crime trial which took place on the west coast, STURMAN testified about an attempt by local (Cleveland) organized crime members to get a "cut" of the profits. This never took place, and intelligence information reveals that organized crime figures from other areas (specifically New York and New Jersey) stepped in and told Cleveland area organized crime figures to keep their hands off.

Investigative efforts have been hampered in the Cleveland area because in 1977, United States District Judge John Manos granted SOVEREIGN NEWS a declaratory judgment and a preliminary injunction against enforcement of the laws of the state of Ohio. This injunction prohibits the Cleveland Police Department and the Cuyahoga County Prosecutor's Office from taking any enforcement action against SOVEREIGN NEWS and any of its owners and/or employees until such time as the legality of the Ohio laws is determined. To date, the injunction has been ruled against in the appeal process, but each appellate ruling has been appealed to a higher court.

VENDING MACHINES

The Cleveland Police Department recently completed an investigation which involved vending machines and an organized criminal activity.

The owner of a local vending company, with routes inside and outside the city, placed a large number of Space Invader machines and other video game machines along his route.

In Cleveland's west side, and reaching into the western suburbs and Lorain County, there was an increase in break-ins and thefts of video machines. Cleveland and Lakewood Police Departments made some arrests in connection with these burglaries. The suspects arrested indicated that these video machines were being stolen "on order" from the owner of the vending com-

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at least two of these women are engaged in doing favors for legitimate businessmen in the area. Aside from this, although there are independents obviously working the local bars, there does not appear to be any organized prostitution activity in the Middletown area.

PORNOGRAPHY

Police currently are investigating a complaint that pornographic movies are being made locally to be distributed to other areas, including foreign countries. A complaint has been received from a female that two unknown individuals who are associated with the Gold Star Chili business locally have been attempting to recruit young women from this area to engage in pornographic movies. It is reported that the films are being made in the back room at one of these locations for foreign distribution. Surveillance has indicated there is sufficient room in the facility to engage in such activity in addition to the legitimate fast food operation. Investigators have been unable to obtain sufficient information to indicate that the reported activity is, in fact, going on at this location.

GAMBLING

There are currently two major gambling figures from the greater Cincinnati area who are living in Middletown. One is reportedly operating a very sophisticated gambling activity at the local plant of Armco, Inc. Armco has a steel mill located in Middletown which employs approximately 7,000 people and it is reputed that the gambling activity there is very widespread and organized. To date, however, the only arrest that has been made involves one of these individuals who was involved in a gambling operation out of a local bar. Investigators were able, with the cooperation of the Vice Unit of the Cincinnati Police, to tie in some of the phone calls that were being made from that bar and from the residence of this individual to other known gamblers in the greater Cincinnati area and although Police were not successful in arresting them for anything other than minor gambling offenses, that investigation is still being pursued.

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A Decade of Organized Crime

1980 Report

Pennsylvania Crime Commission

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Errata Sheet - Second Printing

p. 82 - column 2, paragraph 7 - delete paragraph
p. 90 - column 3, paragraph 4 - line 5 - delete $5,000, add in $1,050
p. 91 - column 1, paragraph 1 - line 2 - delete $5,000, add in $1,050
p. 91 - column 1, paragraph 5 - line 1 - delete reference to Muller
p. 264 - Index - delete reference to William Dimmerling

A Decade of Organized Crime

1980 Report

Pennsylvania Crime Commission

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Drugs, Porn, Prostitution

Few people who use drugs or frequent "adult" bookstores think about where the dollars they spend on such diversions go. Drug and pornography dealers often appear to be independent businessmen with little or no ties to organized crime. In reality, the opposite is true.

Few "street" drug dealers have the money or connections necessary to make direct purchases from foreign wholesalers. In many cases, they rely upon organized crime group members for their foreign drug supplies. In cases where synthetic drugs are manufactured, established crime groups often give drug laboratory operators the financial backing needed to establish and operate the lab.*

In pornography, the independents distribute—not manufacture—the magazines, films and other erotic paraphernalia. In California it has been estimated that: 80 percent of the production and distribution of pornography is controlled by organized criminals, many of whom are from the East Coast and have a national distribution network.

Most often, however, it is the "street" dealer in drugs and the operator of the "adult" bookstore who are arrested for breaking the law. Organizers and financial backers of such crimes are seldom caught.

There are two recent exceptions. One is the arrests generated by the Miporn investigation, standing for "Miami Pornography". (See page 118.) The other is a Milan drug bust, one of the largest in history that led to the arrest of Giuseppe and Rosario Gambino in Cherry Hill, New Jersey. (See page 70.)

But most of the drug and pornography dealers mentioned in this chapter are not well-known names, and few are members of recognized organized crime families. In some cases, we have been able to document ties between these people and members of crime groups. In others, there is no obvious tie. We must assume, however, that the real profits in drugs and pornography go for the most part to organized criminals.

*A former methamphetamine ("speed") manufacturer who recently testified said that motorcycle gangs control up to half of the speed market in the Philadelphia area.

Drugs: Where the Money Is

Americans spent between $45 billion and $63 billion on illegal narcotics in 1978.[1] This estimate includes heroin, cocaine, marijuana, hashish and a number of synthetic drugs like methamphetamine (speed) and PCP (angel dust).

The sources of heroin, marijuana, cocaine and hashish are primarily foreign, and millions of United States dollars leave the country each year to purchase drugs for resale here, prompting U.S. Senator Joseph R. Biden Jr. of Delaware to say: "No one country, whatever its motivation and resources, can control the drug trade. It requires a truly international effort."[2]

In recent years, the major source of heroin has changed. Mexico was the source of 87 percent of the heroin sold in the United States in 1975. In 1978, only 45 percent of heroin sold came from Mexico.[3]

Imports of heroin from Southeast Asia and the Middle East have grown considerably. In 1975, Southeast Asia was the source of only 13 percent of the heroin and the Mideast contribution was negligible. In 1978, 38 percent was from Southeast Asia and 17 percent from the Mideast. Law enforcement authorities have expressed concern that the amount of heroin imported from the Mideast will continue to rise.[4]

All in all, between 3.7 and 4.5 metric tons (about 7,140 to 8,900 pounds) of heroin were brought into the United States in 1978.

The availability of heroin, which is considered the most highly addictive drug, has dropped since 1976. The purity of the heroin sold on the street has also dropped, from 6.6 percent to 3.5 percent pure. (According to local sources, the street purity in Philadelphia seldom fluctuates, but remains a stable 1.5 percent.) Over the same period, the price of heroin has risen, from $1.26 per milligram to $2.25 per milligram.[5]

The number of heroin related deaths has decreased dramatically from 1976 to 1978. In 1976, there were 150 heroin related deaths per month, while in 1978 there were only 30.[6]

A much greater amount of cocaine was imported in 1978. Between 19 and 25 metric tons (about 41,800 to 55,000 pounds) were brought in, an increase of 5 percent over 1977.[7] Half of the imported cocaine was from Colombia, with the rest from other South American countries.[8] Cocaine is derived from cocoa leaves and its popularity seems to be increasing. About 6.5 million Americans used cocaine at least monthly in 1978.[9]

Marijuana represents 35 percent of all illicit income from drug transactions.[10]

In 1978, between 10,700 and 16,400 metric tons (2 million to 3 million pounds) of marijuana were sold in the United States, at a cost of between $15 billion and $23 billion.[11] There was an increase of 10 percent in American marijuana usage from 1977 to 1978.[12]

Mexico used to be the main source of marijuana consumed in the United States. In 1978, Colombian marijuana accounted for 70 percent of the volume sold here. Domestic production of marijuana supplied between 5 and 10 percent of the American market in 1978 but it is increasing.[13]

A species of marijuana grown in Hawaii and in northern California is extremely potent and sought after by connoisseurs across the country. It may catch on for growing in other areas of the country because of its demand.[14]

There are several factors which create problems for law enforcement agency attempts to control the illicit drug traffic. In the past, the Drug Enforcement Agency focused its efforts on catching people who had drugs in their possession. Now, DEA has shifted its enforcement emphasis from "small time street 'busts' to big-time narcotics traffickers . . ."[15]

Pursuing these traffickers requires different methods. As U.S. Senator Sam Nunn pointed out, "The kingpins who call the shots for drug trafficking syndicates seldom touch the actual contraband but they always come into contact with the money, either directly or indirectly."[16]

It is for this reason—their control of the money—that they can often flout the law. Irwin B. Nathan, Deputy Attorney General in the U.S. Department of Justice, said, "Drug dealers often possess the resources to make even the highest bail and flee. They can simply write off the cost of bond as a necessary business expense."[17]

DEA spokesman Peter B. Sensinger stated that the three problems in halting drug sales are:

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Pornography in Pennsylvania

In 1979, the Crime Commission began an investigation into the control of the pornography industry in Pennsylvania by organized crime. Its investigation began in the central region of the state.

Initially, various adult bookstores were thought to be operating independently. But, the Crime Commission determined, most of the stores examined in that area were affiliated with or owned by one of three men. Moreover, there were several ties between these individuals and nationally known pornography figures who are members or associates of organized crime families.

John Krasner, who was shot to death in 1979 in Florida, controlled a chain of adult bookstores from a five-story warehouse in Allentown, Pennsylvania.

John Krasner.

At the time of his death, Krasner was associated with over 50 corporations which employed over 100 people and used more than 50 vehicles. His empire encompassed, at a minimum, four states—Pennsylvania, New York, New Jersey and Virginia. He also had pornography intsrests in other states, including Florida and Colorado.

According to a source close to the Krasner operation, Krasner financed his start in pornography with an $80,000 loan from a loanshark called "Max," who was affiliated with the Angelo Bruno organized crime family. This same loanshark, according to the source, subsequently loaned Krasner an additional $80,000.

When the Commission reviewed some of Krasner's personal documents, it was found that he possessed information regarding at least two prominent California figures in the pornography industry: Norman Arno and Theodore "Teddy" Gaswirth, both of whom were indicted as a result of the federal "Miporn" sting operation. Arno and Gaswirth have been identified by California authorities as being directly linked to Robert DiBernardo and the late Michael Zaffarano, who are also named in the "Miporn" indictment and were considered to be key people in a nationwide pornography production and distribution system.

Law enforcement authorities have identified DiBernardo as a member of the Sam DeCavalcante organized crime family in New Jersey. Before his death, Zaffarano was identified as a capo in the Carmine Galante organized crime family in New York.

A bookstore run by Krasner was masked behind a veil of corporations and changing faces. According to former Krasner employees, a typical Krasner store includes multiple corporations which are often formed using "straw parties." Information received by the Crime Commission indicated at least one person to whom Krasner paid monthly fees for using her name on various corporate papers.

New stores were generally formed in the name of a corporation by someone from Krasner's Allentown headquarters. Many times, the corporation was formed exclusively for the purpose of opening that store. One source explained that this was done so a court injunction against a single corporation would affect only one store, rather than several.

Once the store was opened, a manager, employed by a second corporation, assumed control of the store. The clerks were usually local people employed by the manager.

Certain supplies for the stores were packaged by a third corporation and delivered by a fourth. The peep-show booths were constructed by a fifth enterprise, while the projectors and films in the booths, along with the collection of all the quarters customers paid for the peep shows, were handled by a sixth corporation.

The money from the sale of magazines and other products was forwarded to Allentown, where a seventh corporation administered the accounting duties. An eighth corporation handled the acquisition and licensing of the vehicles used in the Krasner operation.

For example, an employee of K & A Vending arrested by New Jersey authorities in 1975 during a raid on Crown News in Camden, New Jersey, was found to be actually paid by Crown News, rather than K & A Vending.

K & A Vending is a company which services the projection equipment and collects the money in the viewing booths of many shops, including all shops controlled by Crown News. A bookkeeper for both Crown News and K & A Vending, Carlos Padin, told authorities that K & A stands for Krasner and Automated Vending Company. (Automated Vending is a company which is believed to be controlled by Reuben Sturman, a Cleveland pornography distributor.) K & A is located in Allentown, Pennsylvania.

Crown News Inc. in Camden is a Delaware corporation which lists Morton A. Goss, of Toronto, Canada, as its president. Toronto authorities advise that Goss is an associate of Reuben Sturman.

It is believed that there is an affiliation between Sovereign News Company (a Sturman company), Crown News Inc. of Cleveland and Crown News of Camden. Investigation shows that materials were shipped to Crown in Camden and billed to Sovereign in Cleveland. Also, employees of Crown in Camden were receiving paychecks from Crown in Cleveland.

Crown News in Camden supplies many retail outlets in New Jersey and Pennsylvania and is believed to actually control many of these outlets. The owner of record of stores believed to be controlled by Crown News in Camden is Crown News in Cleveland.

Several other pornography firms have been identified as being associated with Krasner's operation. Help Publishers & Distributors Inc. of Fort Lee, New Jersey, listed John Krasner as its president. He was also associated with Edward Hendricks of Doylestown, in Ed-John Corporation, which is located in Allentown.

Classic Enterprises Inc. and PHK Inc. have also been associated with Krasner. Since his death, his pornography operations have continued under the control of the Krasner family.

Another pornography figure in Pennsylvania is Allen Charles Morrow, who reportedly began in the business by working for Krasner in the early 1970s. Morrow subsequently split with Krasner, establishing a chain of stores.

While Morrow's main office is in Quakertown, Pennsylvania, his operations are located throughout the state and in New York. Law enforcement authorities report that Morrow has moved a portion of his operation to Saint Augustine, Florida. One indication of Morrow's financial solvency may be his cash purchases of a 1978 Rolls-Royce Silver Shadow II, a Mercedes Benz 450 SL and a Jeep Cherokee, all in 1978.

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A "Pornucopia" of Crime

The lure of big profits and opportunities for skimming, tax evasion and laundering funds have attracted several organized crime families to the pornography industry.

Although the two major investigations of pornography have been in the South (Florida) and the West Coast (California), many of the key figures in those investigations are from New York and New Jersey crime families.

According to a report from California, pornography operations there *"are being orchestrated by East Coast organized crime (groups) in the combined and concerted efforts of the DeCavalcante, Gambino, Galante and Colombo families."*[1]

Federal officials estimated that in 1976, the dollar volume of the pornography industry was about $4 billion annually.[2] In Los Angeles, California, conservative estimates of gross pornography sales on the retail and wholesale level were about $100 million.[3]

These profits are derived from the enormous mark-up given to pornographic books, movies and other products. A magazine for example, which costs 50 cents to make may wholesale for $5 and retail for $10.[4] A 15-minute 8 millimeter movie wholesales for $3 and retails for $20 in the United States.[5]

One of the best examples of high profits in pornography is the success of the X-rated movie, "Deep Throat." The film was made in 1972 for $25,000. Its principal backer was Louis Peraino, who was recently named in a federal indictment brought against 46 leaders of pornography distribution across the country. "Deep Throat" reportedly grossed $50 million worldwide.[6]

Organized criminal involvement in pornography began in the late 1960s when John "Sonny" Franzese saw the potential profit in supplying and operating peep-show machines in Times Square, New York City, pornographic bookstores.[7]

Shortly thereafter, production and distribution companies of pornographic film were begun by organized crime figures in New York. They included Allstate Film Labs, run by associates of the Colombo organized crime family and later by Michael Zaffarano, who was a Galante family member. Star Distributors in New York was established by members of the DeCavalcante family. It produced and distributed pornographic films and literature.[8]

Another New York film company run by a member of the Colombo family was Bryanston Productions, which is controlled by Anthony Peraino.[9]

According to California authorities, the key figures in West Coast pornography in 1976 were the late Michael Zaffarano, Robert "Debe" DiBernardo and Reuben Sturman.[10] Zaffarano and DiBernardo have been tied to the murdered Pennsylvania pornographer John Krasner through two other California pornography figures, Norman Arno and Theodore "Teddy" Gaswirth. (See story on page 119.) Sturman is reputedly tied to Thomas W. Sherwood, who operates pornography shops and distribution facilities in the Philadelphia area. (See page 120.)

In Los Angeles, state authorities claim that 80 percent of the production and distribution of pornography is mob-controlled.[11] Yet, prosecution of the dealers in pornography has been limited because of obscure obscenity statutes and, like many organized crime business involvements, the pornography industry is *"buried in a maze of paper corporations which are established and then dissolved when they become unneeded or become of special interest to law enforcement."*[12]

To try to crack organized crime's hold on pornography, the FBI instigated an undercover operation in Miami, Florida in 1977. The result of that operation, which had the code name Miporn, was the indictment of 46 key figures in pornography in early 1980.

Among those named in the indictment were DiBernardo, Louis and Joseph Peraino (both sons of Anthony Peraino), Zafferano, Sturman, Gaswirth, Arno and Thomas Sinopoli.[13] Zaffarano was never arrested in the indictment because he died of a heart attack in his Times Square office less than an hour after federal agents had set out to arrest him.[14]

All of the 46 people indicted had been charged with conspiracy and interstate transportation of obscene materials. Zaffarano, however, had been indicted on three counts, while most of the others had been indicted on only two counts.[15]

Charges stemmed from pornography dealers supplying to federal agents in Miami films such as "Debbie Does Dallas," "Deep Throat," "Confessions of Linda Lovelace" and other 8 millimeter films which the indictment described as "obscene, lewd, lascivious and filthy."[16]

According to a *New York Times* article, the undercover agents during their investigation *"attended meetings of top pornography industry leaders who convened every six months or so to discuss new products, changes in obscenity laws and other subjects of mutual interest."*[17]

In addition to dealing in pornography, the organized crime figures are known by California authorities to be using strong-arm tactics in the production and distribution of their pornographic materials. These tactics have included:

- "Requiring" producers to process film at organized crime controlled labs.
- "Requiring" film producers to distribute through organized crime controlled companies under threat of piracy.
- Burglaries of independent retail outlets.
- Strong-arm tactics against theater owners screening pirated versions of organized crime controlled films.[18]

Sturman, who controls a nationwide pornography distribution business from Cleveland, Ohio, was especially cited for his use of coercion by the FBI.[19]

Concern has also been expressed by authorities about the possible antitrust violations of organized crime members in the pornography industry because they control not only production but also distribution and sometimes retail outlets of pornographic materials.[20]

Aside from the Miporn indictments, however, little has been done against pornography. Part of the reason for lack of enforcement may be public apathy toward pornography. Many people view it as a victimless crime which need not be emphasized by law enforcement agencies.[21] However, pornography's emerging role as a major source of income to organized crime may, in itself, be enough reason to investigate and prosecute those involved in the pornography industry.

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sexual and heterosexual acts. *Pauline* was made in late 1973 at a Cherry Hill, New Jersey, apartment rented by Cortese. Robert Strong and Joseph O'Neill took the pictures while Cortese and Trombetta gave directions. Farra and Rizzo were also present during the sessions.

Lamery made a trip to Philadelphia with Farra and Rizzo and Cortese paid him $50 for a photo session there. One of the female models, Darlene Elliott, was taken to Cherry Hill six times and Cortese paid her $750. She was later beaten up by Ferra because she gave information to law enforcement agencies.

Cortese, Farra and Rizzo pleaded guilty to conspiracy to violate the White-Slave Traffic Act, and they were ordered to pay a fine of $100 and given six months probation. The charges against Strong and O'Neill were dropped.

It is believed that Stardust controls several retail outlets in the Camden County area. For example, the Futura Book Store is owned by a person who has been employed by Bruno Cortese. The same store was formerly owned by Richard Trombetta, Anthony's brother. The Boulevard Book Store is also owned by the same Cortese employee.

Filings from the Carnival Book Store show Anthony Trombetta as the principal officer and his brother William Trombetta as the registered agent.

Cortese, who is believed to be married to a niece of Angelo Bruno, has been identified by an employee as the owner of Stardust Enterprises, Air Executive Service and Futura Publishing Company, all located at 9200 Collins Avenue, Pennsauken, New Jersey.

Radiant Merchandising Company, 1233 Arch Street, Philadelphia, was operated by Bruno Cortese and Nathan Gramma, of New York. The current president of Radiant is Samuel Boltansky, of Maryland. Another officer of Radiant has been Robert Strong.

Prostitution

A third area of "victimless" crimes is massage parlors and prostitution. Some massage parlors are used as fronts for prostitution. Some prostitution rings can be sophisticated—perhaps overly so, as in the following example.

The Computerized Pimp

Richard Toner used a computer in his prostitution ring which operated from a small Lansdowne, Pennsylvania office—he lived upstairs—during the mid to late 1970s. Toner's prostitutes—as many as 20 at the height of his operation—serviced clients in greater Philadelphia. He operated from early in the morning until late at night. Toner claimed that some people used his operation as a way to repay favors to public officials.

Toner advertised in the Philadelphia area newspapers as an out-service massage agency. Customers who called the telephone number listed in the advertisement were asked their sex, name, age, race, occupation and business addresses.

Toner fed this data into a computer to screen prospective customers for the safety of his prostitutes. Some were rejected automatically, such as single black males under 30, because, Toner believed, they had the highest incidence of violence with prostitutes.

The computer also stored information about past customers, the prostitute they used and when, and their payment records. Toner accepted Visa, Mastercharge and American Express credit and charge cards, and prostitutes carried pocked-sized card processors. Toner billed these credit card customers under the name Ideal Distributors Inc. and a fictitious sewing machine company.

Toner programmed his computer to weed out, as much as possible, anyone fitting the stereotype description of a law enforcement officer. Toner even claimed to have the capability to tap his computer into other national systems such as the National Crime Information Center, the Commonwealth Law Enforcement Assistance Network and insurance and medical systems.

Through these systems, Toner said he could find out the type of car a customer drove, the information on a customer's drivers license and whether the customer was a fugitive from justice.

With this ability, Toner claimed he was able to check the answers prospective customers gave him. If he found that a customer had lied, he denied the service of his prostitutes. As a further check on safety, the first thing a prostitute did upon arriving at a client's home was to demand to see identification. She then telephoned the central office for verification. If the information did not match, she left.

Toner was as concerned about security as he was about safety. Anyone attempting to break into the building housing his computer would trigger a device which would erase all of the information stored in the computer. This system insured against the possibility that law enforcement agents could unsuspectingly capture the computer and use its evidence against Toner.

Additionally, Toner shielded his office with lead to block any radio transmissions from eavesdropping devices inside his office.

Prostitutes rarely visited the office. One woman operated the computer and telephone switchboard. This "switchboard madame" handled most of the assignments for the prostitutes.

When prostitutes reached a client, she called the switchboard. The operator wrote the information about the prostitute and client on a card and punched the card in a time clock. She also punched the card into the clock when the prostitutes left.

Prostitutes always carried telephone beepers so that prostitutes could be contacted for rush jobs when not at home. Also, the switchboard madame used the beeper to signal a prostitute that a client's time was up.

Toner received a set fee for each "call." Services were negotiated between the prostitute and the customer at prices established by Toner.

State Police raided Toner's office in June of 1978 and confiscated many materials. They did not get his computer which was in another location. Toner was arrested and charged with prostitution and related offenses. The State Police conducted the raid after receiving information from a Toner prostitute. At the time, Toner's operation employed only six prostitutes.

He was convicted in March of 1979 for promoting prostitution and sentenced to serve from two-and-a-half to five years in prison.

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The third identified pornography operation in central Pennsylvania was Godwin C. Heck Jr. Heck owns or manages two stores in Harrisburg and one in York, but is reputed to manage several other stores across the state line in Maryland. He is allegedly affiliated with a Baltimore, Maryland, pornography operation.

In the Philadelphia area, Thomas J. Sherwood has been identified as a principal pornography dealer and printer.

He operates as a subsidiary of Reuben Sturman, who is headquartered at Sovereign News Co., 2075 East 65th Street, Cleveland, Ohio. Sturman, the largest pornography dealer in the United States, was indicted in the "Miporn" case. A former employee in the Krasner operation told the Crime Commission that he was introduced to Sturman by Krasner at a Christmas party in 1975.

Sherwood is assisted in his business by his brothers, Walter Manley Sherwood and Marvin B. Sherwood, and a close associate, Stuart Weiss, who lives in Camden, New Jersey.*

Sherwood not only sells pornographic materials at several stores in the Philadelphia area, but he also operates a print shop and distribution places for various types of pornographic material.

On November 16, 1976, Sherwood was found guilty in federal court on 27 counts of sending obscene material through the mail. He was given a three year suspended sentence, placed on probation and fined $27,000.

A "Porn War"

It appears that a "porn war" began between Krasner and Morrow in the early 1970s.

A Krasner employee, Frank N. Beaver Jr., was stopped on Interstate 83 near Harrisburg with 85 pounds of explosives in the trunk of the car. Beaver was on his way to blow up a Morrow-owned store in Collegeville, Pennsylvania, after soliciting the assistance of an undercover agent of the U.S. Treasury's Bureau of Alcohol, Tobacco and Firearms.

In 1973, Morrow brandished a gun and threatened to shoot the fire chief of Williamsport, Pennsylvania. In another incident, Leon Holt, who was formerly the operator of a Williamsport porn shop and more recently employed in a porn shop near Hollywood, Florida, was found murdered in a remote quarry lake in Florida. He had been shot three times in the head.

During this war, John Krasner was charged with soliciting James Flood of Muscow, Pennsylvania to kill Morrow, but Flood went to Morrow and revealed the plot. Although he offered to kill Krasner instead, Morrow went to the police. Krasner was found guilty of the solicitation. He appealed the conviction.

While this matter was on appeal, on February 6, 1979, Krasner was killed in Fort Lauderdale, Florida. He was shot five times.

On May 29, 1979, Morrow was shot by a former employee in Harvey's Lake, Pennsylvania. He survived the shooting. Morrow lived in Harvey's Lake as did Krasner.

*Stuart J. Weiss controls the daily operations of Crown News Inc. in Camden which, as stated before, is headed by Morton Goss, of Toronto, Canada, an associate of Reuben Sturman.

The *Perils of Pauline*

Bruno Cortese and Anthony Trombetta are the largest dealers of pornography in the Philadelphia and southern New Jersey areas. They produced a pornographic book entitled *Perils of Pauline*. The book was widely circulated throughout the United States and sold for $10 a copy—but its producers received fines of only $100 and a judicial opinion that the case was "silly" because pornographic materials were readily available.

Cortese and Trombetta operate companies under many names, including Radiant Inc. and Stardust Enterprises Inc. These firms are subsidiaries of Star Inc. of New York City, which is controlled by Robert DiBernardo, a member of the DeCavalcante crime family of northern New Jersey, and Nathan Gramma.

Angelo Bruno, the assassinated Philadelphia-area Cosa Nostra crime boss had supplied film to an adult establishment. Bruno and George Martorano, a business associate, had a joint checking account in Philadelphia which used the address of Bruno's son-in-law's real estate and insurance firms.

The checking account was used to pay Polaroid for large quantities of film. This is the kind of film used in coin-operated camera machines. The orders of film were delivered to the Apollo Arcade, 1311 Market Street, Philadelphia, a pornographic book and movie establishment. The Apollo is owned by Brighton Enterprises, formed in 1972. A principal of the firm is Trombetta who, along with Cortese, was listed as an original officer.

In the *Perils of Pauline* case, the U.S. Attorney's Office charged that John Farre and Thomas Rizzo recruited Norman Lamery to pose for pictures with three females in homo-

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Drugs

1. Hearings before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, 96th Congress, 1st Session, December 7, 11, 12, 13, and 14, 1979. "Illegal Narcotics Profits," p. 1. The IRS has lower estimates. See Chapter 1.
2. *Ibid.*, p. 18.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*, p. 63.
6. *Ibid.*
7. *Ibid.*, p. 64.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*, p. 65.
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*, p. 2.
16. *Ibid.*
17. *Ibid.*, p. 20.
18. *Ibid.* p. 66.
19. *Ibid.*
20. *Ibid.*, p. 75.
21. *Ibid.*, p. 76.
22. *Ibid.*, p. 78.
23. *Ibid.*, p. 64.
24. *Ibid.*, p. 70.

Pornography

1. California Dept. of Justice, Division of Law Enforcement, *Organized Crime Involvement in California Pornography Operations*, July, 1978, p. 1. (hereinafter cited as California Dept. of Justice)
2. *Ibid.*, p. 21.
3. *Ibid.*
4. *Ibid.*
5. Michael Satchell, "The Big Business of Selling Smut," *Parade Magazine*, August 19, 1979, pp. 4-5.
6. Robert D. McFadden, "A New York Pornography Suspect Dies Just Before Raid," *New York Times*, February 15, 1980, p. B-4.
7. California Dept. of Justice, p. 7.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*, p. 11.
11. *Ibid.*, p. 10.
12. *Ibid.*, p. 1.
13. The indictment was brought in the U. S. District Court, Southern District of Florida on February 13, 1980. (U. S. versus Robert "Debe" DiBernardo, et. al."
14. McFadden, p. B-4.
15. U. S. Versus Robert "Debe" DiBernardo, et. al.
16. *Ibid.*
17. Wendell Rawls Jr., "35 Indicted by U. S. As Pornographers and in Film Piracy," *New York Times*, February 15, 1980, p. A-1.
18. Calif. Dept. of Justice, p. 22.
19. Satchell, pp. 4-5.
20. Calif. Dept. of Justice, p. A-1.
21. In a 1978 survey by the National Opinion Research Center, only 4 percent of Americans thought that pornography should be outlawed and only half of those surveyed felt it should be prohibited from distribution to persons under age 18. (p. 352, *Sourcebook of Criminal Justice Statistics: 1978*, U. S. Dept. of Justice.)

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PREPARED STATEMENT OF HON. FORTNEY H. (PETE) STARK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

INTERNATIONAL ABDUCTION OF CHILDREN

Mr. Chairman, members of the committee, in the past year, I have received two letters from constituents pleading for assistance in locating their children who had been abducted and taken to the foreign country of their spouses descent. These parental kidnappings cases involved children being taken away in violation of California Court Custody decrees. In both cases, the children were given passports. The stories are frightening and what is worse, the incidents are almost impossible to solve. Growing awareness of situations like these are prompting action however, such action is not occuring fast enough.

Just today I received a press release addressed to the California Delegation from "KGO Newstalk", of San Francisco, California. In the release, it contained two editorials pertaining to this problem. It suggests a need for tougher passport regulations pertaining to this problem. It suggests a need for tougher passport regulations pertaining to children through the State Department. As it stands now, the child need not be present and consent of both parents is unnecessary. As a result, forgery and kidnapping on the international level ensues.

I urge you to consider this problem. Such gaps in passport policy are aiding and abetting kidnappings of this kind. We also need international agreements to provide better rights and protections for aggrieved parents in these tragic cases.

Thank you very much for you time and effort.

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